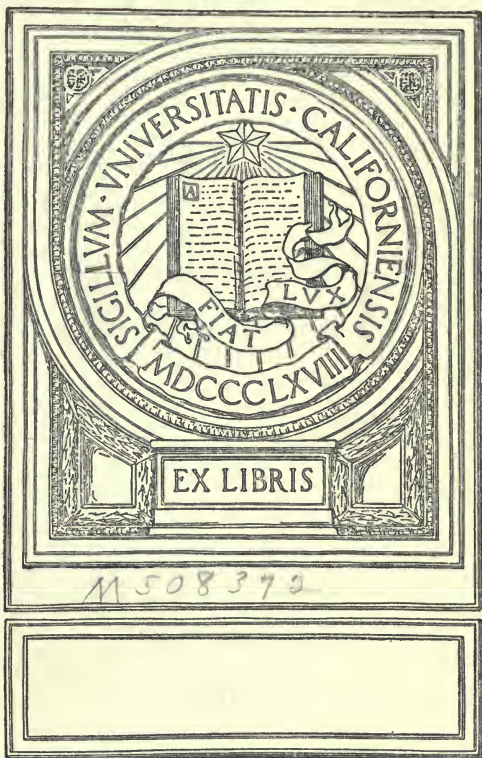


RIGHTS OF MAN
TO PROPERTY!

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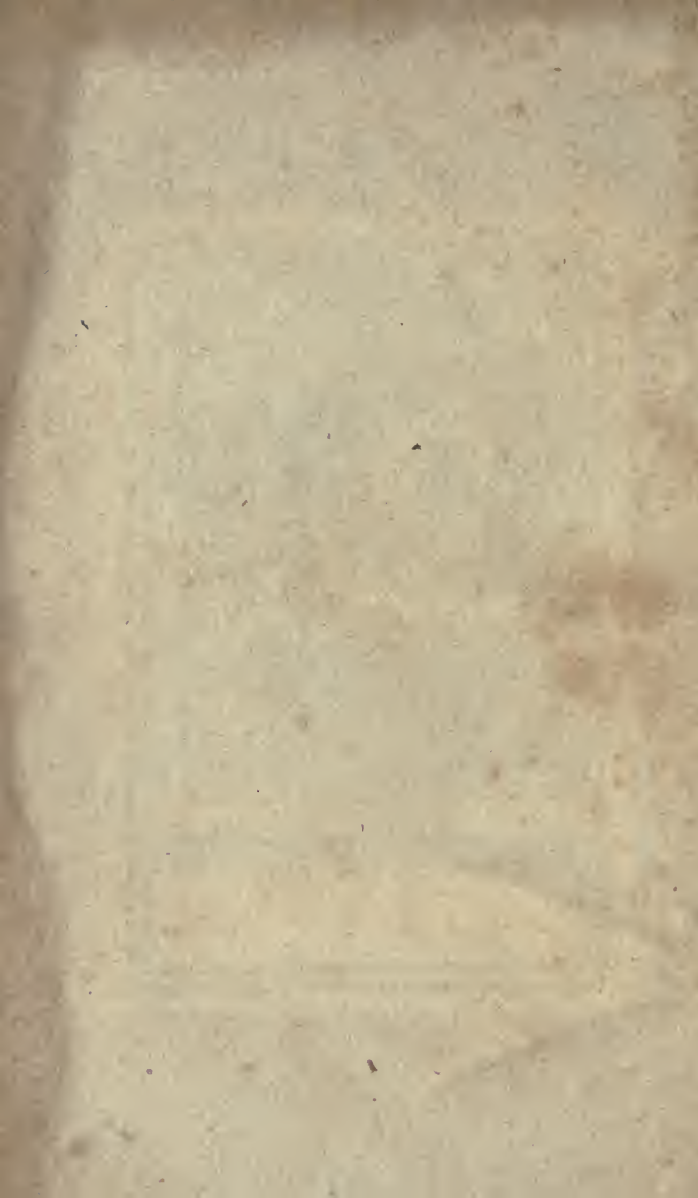


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THE
RIGHTS OF MAN
TO PROPERTY!

BEING A PROPOSITION
TO MAKE IT EQUAL AMONG THE ADULTS
OF THE
PRESENT GENERATION:

AND TO PROVIDE FOR ITS EQUAL TRANSMISSION TO EVERY
INDIVIDUAL OF EACH SUCCEEDING GENERATION, ON
ARRIVING AT THE AGE OF MATURITY.

ADDRESSED TO THE
CITIZENS OF THE STATE OF NEW-YORK, PARTICULARLY, AND TO
the people of other States and Nations, generally.

"I hold, these truths to be self-evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; and that among these are life, liberty and *property*."—Altered from Mr. Jefferson's Declaration of American Independence.

BY THOMAS SKIDMORE.

New-York :

PRINTED FOR THE AUTHOR BY ALEXANDER MING, JR.

106 Beekman-street.

1829.

Southern District of New-York, ss.

Be it remembered, that on the thirteenth day of Aug. A. D. 1829 in the fifty-fourth year of the Independence of the United States of America, Thomas Skidmore of the said District, has deposited in this office, the title of a book, the right whereof he claims as Author in the words following, to wit:

"The Rights of Man to Property, being a proposition to make it equal among the adults of the present Generation; and to provide for its equal transmission to every individual of each succeeding generation, on arriving at the age of maturity. Addressed to the Citizens of the State of New-York, particularly, and to the people of other States and Nations generally—"I hold these truths to be self evident; that all men are created equal; that they are endowed, by their Creator with certain unalienable rights, and that among these are life, liberty, and property." Altered from Mr. Jefferson's Declaration of American Independence.—By Thomas Skidmore."

In conformity to the Act of Congress of the United States, entitled, "An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the Authors and proprietors of such copies, during the time therein mentioned." And also an Act, entitled "An Act, supplementary to an Act, entitled an Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

FRED. J. BETTS,

Clerk of the Southern District of New-York.

PREFACE.

THERE is no man of the least reflection, who has not observed, that the effect, in all ages and countries, of the possession of great and undue wealth, is, to allow those who possess it, to live on the labor of others. And yet there is no truth more readily, cheerfully, and universally acknowledged, than that the *personal* exertions of each individual of the human race, are exclusively and unalienably his own.

It would seem, then, to be no bad specimen of argument, to say, inasmuch as great wealth is an instrument which is uniformly used to extort from others, their property in their personal qualities and efforts—that it ought to be taken away from its possessor, on the same principle, that a sword or a pistol may be wrested from a robber, who shall undertake to accomplish the same effect, in a different manner.

One thing must be obvious to the plainest understanding ; that as long as property is unequal; or rather, as long as it is so enormously unequal,

as we see it at present, that those who possess it, *will* live on the labor of others, and themselves perform none, or if any, a very disproportionate share, of that toil which attends them as a condition of their existence, and without the performance of which, they have no *just* right to preserve or retain that existence, even for a single hour.

It is not possible to maintain a doctrine to the contrary of this position, without, at the same time, maintaining an absurdity no longer tolerated in enlightened countries ; that a part, and that a very great part, of the human race, are doomed, of right, to the slavery of toil, while others are born, only to enjoy.

I, for one, disavow every such doctrine. Even if it be admitted that the present possessors of property, in any country, are the true and rightful owners of it, beyond any question, still I maintain that they have no just right to use it in such a manner, as to extract from others, the result of their labors, for the purpose of exempting themselves from the necessity of laboring as much as others must labor, for a like amount of enjoyment. The moment that any possessor of property, makes such use of it, I care not how, nor under the sanction of what law, or system of laws, as to live in idleness, partial or total, thus supporting himself, more or less, on the labors of others ; that moment he contravenes and invades the rights of others ; and has placed himself in the condition which would

justify the party injured, in dispossessing the aggressor, of the instrument of his aggression.

But the work which I thus present to the consideration of my fellow citizens and others, does not rest here the defence of its principles. It does not rest contented with merely showing, in this way, that men have no right to their property, (as they call it) when they use it, for the purpose of converting their fellow beings into slaves to labor for their use. It goes farther. It attempts to shew, that the whole system of the laws of property, in all countries, is such : that no man has any just and true title to his possessions at all : that they are in fact, possessions growing out of injustice, perpetrated by all governments, from time immemorial and continued down to the present hour. It depends then upon the *success* of this attempt, whether I have added strength to the position I have assumed, that *all men should live on their own labor, and not on the labor of others*. If, in the course of the following pages, I have shewn that the present possessors of enormous property, (I mean more *particularly* these,) have no just title to their possessions ; and if it is apparent, as I trust it is, than when property is enormously unequal, that the men of toil, of all countries, can never have the full enjoyment of their labor ; it will be conceded, no doubt, that I have shewn enough to justify my fellow citizens in pulling down the present edifice of society, and to induce them to build a new one in its stead, provided I have

also shewn how to organize this new government in such a manner as to compel all men, without exception, to labor as much as others must labor, for the same amount of enjoyment ; or, in default thereof, to be deprived of such enjoyment altogether. Of this, however, it is for the reader, and for every reader, to judge.

As to the manner in which this work is executed, it becomes me to say but little. I am sensible, however, that it contains abundance of imperfections. I am aware that there are hundreds and thousands, who, entertaining the same sentiments that I do, could have supported them in a manner much more acceptable to the public than I have done. But I trust, if the frame of civil society which I have erected upon its pages, shall find friends and advocates, that there will not be wanting men who shall do justice to its principles. With this observation, I commit myself to the judgment of an impartial community ; and await, with pleasure, the destiny to which they will consign these labors, which have had only for their object the promotion of the welfare of the public, and the equal interest which *I* myself have therein, as one of their number.

THE RIGHTS OF MAN TO PROPERTY,

&c. &c.

CHAPTER I.

I am undertaking a work, which, as Rousseau said of his "Confessions," has no example, and whose execution perhaps, will find no approval. But, be this as it may; the consciousness I feel, that my motives are pure, and that the work which engages me, will tend to fix on an imperishable basis, the happiness of my fellow beings, is all the encouragement and support I require to bring it to a consummation. When they shall have read it, they will judge for themselves, how far my means of assuring that happiness, will be likely to coincide with my intentions and expectations.

The same author, on another occasion, has said, that inasmuch as he was not a Legislator, *therefore*, he offered his sentiments to those who were. Had he been such, he observed, he would not have troubled the world with his opinions; but would have proceeded, forthwith, to put them into execution. How very proper, then, may it

not be in an age and in a country, where every man is a Legislator, for any and every citizen to exercise his functions as such, whenever he shall believe he may be able to do so, with advantage to his fellow citizens.

But if, in this country, we are all Legislators, we are not exclusively so. No one of us has power in this capacity, of making a law over his fellow citizens, in opposition to his consent. A majority of our aggregate number is, alone, capable of fully consummating a Legislative act. As it regards each individual of our community of Legislators, he stands in relation to the whole, as a member of one of our State Assemblies does, to all the members of which it is composed. He has the same right, of making his motion, of submitting his propositions, and of offering all the arguments and reasons he thinks proper, in their support. Such is the relation, in which I perceive myself to be placed, with my fellow citizens of the State of New-York; and it is in the full exercise of the rights, in the possession of which, this relation leaves me, that I shall offer to their consideration, through the medium of this work, a proposition, to entirely re-model the political structure of our State, and make it essentially different from any thing of the kind heretofore known.

As it is, however, a proposition, which, before it can be carried into execution, must be thoroughly and deeply investigated, if not by *every* indivi-

dual, at least by a majority so great, as to leave a minority of very little importance in point of numbers ; so it is of the greatest moment, to the reception or rejection of this proposition, whichever it may meet with, at the hands of this community, that the art of printing, has arrived at such perfection, that the *price*, at which a copy of this work will be afforded, will not be, beyond the means of any man who feels an interest in the subject which it discusses. That every man in the State, from the highest to the lowest, *has* such an interest, and that of the greatest magnitude, will be evident enough, in the further progress of the work.

It would, however, be of little use,—that books were afforded at a moderate price, if readers were few in number. Happily, with us, such is not the fact. While, in France, which has the best instructed population on the continent of Europe, there are, as we are told, seventeen millions out thirty, who are unable to read ; in the State of New-York, as well as most of our sister-States, scarcely one-twentieth, I believe, are incapable of reading, with a full understanding of what they read. Whoever, therefore, comes before an American community, with a printed proposition, presented in clear and plain language, built on and supported by, principles, which to such community shall appear to be adapted to give them their rights, when full investigation shall have

been had of it, cannot fail to be well received ;—
and his proposition carried into full effect ; though
 to do so, it should cause a greater change, in
 our civil code, than has ever yet happened, in
 any country even in this age of revolutions.

As yet no condition of things has ever existed,
 in which abuses have not sprung up and flourish-
 ed. There have been those, who have profitted
 by them ; and they have always opposed the ex-
 tirpation of the evil upon which they fattened.
 One of their modes, of resisting any change which
 would go to deprive them of their dishonest nutri-
 ment, has ever been to represent that the evil was
 inevitable ; that it was impossible to eradicate it ;
 and that therefore it was best to submit to it,
 without complaint or repining. And too often
 has it been attended with success. The friends
 of pure and virtuous principles, in all ages, have,
 too often, been alarmed into an opinion, that they
 could not concentrate the co-operation of men of
 their own description sufficient to resist the tor-
 rent of corruption, and have yielded to despair :
 while those who flourished in the destruction of
 those principles, which alone can promote the
 public welfare, have triumphed over them.

But this state of things is doomed, soon to ter-
 minate its existence. The *printing press*, to-
 gether, with the population of a whole State or
 Empire, being instructed, and rendered capable
 of reading ;—together, also, with the possession,

by every individual of such population, of *the right of suffrage*; put it out of the power of a few, to defeat, frustrate, or delay, for any considerable time, the wishes of the many. Henceforward, let a writer advance views, that will benefit the great mass of the community; and there will be found no power adequate to stay their adoption. Neither minority, nor majority, will be able to persuade themselves, or others, that the interests of the greater party, should not be consulted by those who have the power (and who *know* too, that they have it,) to do so. The utmost, that interested opposers of reformation or revolution, can hope to accomplish, is, to retard inquiry; so that those who have an interest in the suppression of the abuses, or the false principles, of government, shall not so soon arrive at a full and general understanding of any change which may be proposed; and the reasons that go to support it, as they otherwise would. But in the present state of knowledge among the citizens of the American Confederacy, and particularly that portion of it, where we find the free white man, forming as it were, the entire population, such delay will necessarily be extremely transient.

“We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.” Who would not

think that principles, such as these, would not only be acknowledged, but be acted upon, by all mankind? That they would not require to be presented to the *consideration* of our species, but would meet with a spontaneous recognition, in every human breast? And yet how small a portion of mankind are prepared to acknowledge them? Where, unless it be in the two Americas, shall we find it even *admitted*, “that all men are created equal?” If amidst all that has happened, and all that has been written in favor of liberty, within the last seventy or eighty years, liberty is no where to be found, except on this continent, it would seem to argue but little in favor of the efficiency of the Press, or the omnipotence of our reasoning faculties, towards bringing about revolutions in the physical, moral, and civil condition of man. Thomas Paine, who supported the rights of the people of all nations, with an energy, and an ability, perhaps never excelled, and who judged, as to the future, with as much correctness as most men, predicted* (in 1792,) that before the year 1800 should arrive, there would not exist a single crowned head, in Europe; and yet how lamentably wide of the prediction, is the fact! So much so, that we all know there is not a single republican government in Europe, where, as he thought, in 7 or 8 years afterwards, there would have been no other!

*Rights of Man, Second Part, p. 4.

It may not be altogether useless, to discuss a little, the causes that have had an influence in falsifying a prediction, which, as events have proved, could have had no just foundation. That those principles which were supposed to be capable of supplanting the monarchical governments of Europe, are such as are congenial to the nature of man, consistent with his rights, and promotive of his happiness, I presume few men in *this* country, will be disposed to deny. They are principles, such as are incorporated into that Declaration of Independence, which separated us from our allegiance to a *Foreign* Sovereign; and transferred to the people of these States, the right of governing themselves. The causes however which produced such separation, were no doubt of the most oppressive kind, and capable of stimulating no common degree of energy, in their resistance. Yet, it may well be doubted, whether *most* of the acts of tyranny, which the Declaration of Independence, charges to the account of George the Third, might not have been perpetrated with impunity, by a *native* monarch, over the American States, if the fact had been that such a monarch had reigned over them. And even admitting that resistance had followed, it is far from being certain, that such resistance would have been succeeded by the establishment of government on principles fundamentally different from those in previous existence. The monarch himself might

have been dethroned, but the throne itself, would in all probability, have remained, and been occupied by another. Besides we should recollect that the people of the United States, the first to set the example of self government, had no monarchical neighbors, to interfere by arms, or otherwise, with their internal arrangements. Had such been the fact, as was the case with France, the first which attempted republican government in Europe, there is little doubt, that liberty would have been driven, perhaps for two centuries, from the American Continent, as it has been from the European.

But the chief cause of the failure of the prediction, a prediction in accordance with the expectations of many of the most distinguished men of the time, as well those who dreaded, as those who wished its consummation, is to be found in the general, nay, almost *universal want of readers*.

So much are mankind the creatures of habit, that wherever they happen to have their existence, they seem to be disposed to rest content in continuing to suffer from those evils, with which they have been familiar, from their earliest infancy, rather than to take the necessary measures to eradicate them. Nay, it is not uncommon, that evil is not *considered as such*; and it frequently happens, that they do not discover its true character, till some aggravated act of tyranny, perpetrated by some capricious, or remorseless des-

pot, makes it known to them through the medium of *greater* sufferings, than those to which they had heretofore been accustomed. Perhaps, in all human history, there is not more than a single instance or two, if there be even these, where revolutions have been produced, by any other cause than by rendering the condition of the people of those nations, in which they have happened, more oppressive and burdensome, than they were before. And even this aggravation of the miseries of nations, is capable of being accomplished, without the intervention of revolutions, where tyrants have sufficient discretion to make its introduction gradual, and as it were, almost imperceptible.

It results from these observations, what is apparent to every reflecting man ; that the mass of mankind are afflicted with evils of which they have no just conception ; that they have rights, of which they have no clear and definite understanding ; and that, in the slavery, poverty, and ignorance, with which they are surrounded, there is no possibility of exhibiting to them, the evils under which they labor, nor of acquainting them with their rights, the possession of which would remove their sufferings ; till they can be, or have been, taught to read, and understand what they have read. These remarks apply to every country, but our own, and even to this, in every thing, though in a qualified degree, except it be that of public education.

It is possible, I have dwelt longer than is agreeable to the reader, on the subject of the very general instruction of the American people in the art of reading, and of understanding what they read. In the further progress of this work, I trust however, that he will become convinced, that I do not over-rate the importance of the fact, that a portion so very great of our population, have acquired this species of education. The innovations I am about to propose to my fellow-citizens, in our State-Government, and to the people of other States and Nations, if *they* shall think proper to inquire how far they may be calculated to promote *their* welfare, are of such a nature, that they require to be not only very closely, and deeply, but if it were possible, *universally* investigated, before they can be adopted, so as to be as useful to the community generally, as their own intrinsic importance is calculated to make them. The reader will perceive that it would be of little consequence, how estimable and valuable, after fully understanding them, he should consider them to be, if, at the same time, he should suppose, perhaps contrary to the fact, that there were not a sufficient number of his fellow-citizens, capable of reading, and of course of understanding them, and the reasons that go to support them, to enforce their adoption.

In such a case, the most that could be said, would be, that the proposed innovation was a

valuable speculation, adapted to be useful at a future day, when education should have extended its benign influence over a greater portion of our population, But if, on the contrary, the reader should be satisfied that there are, *now*, a sufficient proportion of our citizens qualified with instruction, to be made acquainted with the design and probable operation of the changes in question, he would then feel a strong inclination to give it a support of surpassing energy, corresponding with his estimate of its importance to his own welfare, and that of his fellow-citizens. Besides, it is to be considered, that all propositions meet with opposition from somebody. Now, if that which I have to offer, should be considered as injuring the rich—while it was of the utmost benefit to the poor, and middling classes of the community, who form ninety-nine parts in every hundred of the whole population of every country; the knowledge of the fact, that the great mass of the people are capable of understanding it, because they have the ability to read, and the means of purchase, would convince the rich, that it would be perfectly idle to oppose what so very large a majority should determine to adopt and enforce.

The population of this State, from calculations made from official data, at the beginning of the present year (1829,) cannot vary much from 1,825,000. Of these it is ascertainable from the same data, about, 750,000, are under the age of

fifteen. The period in which instruction is most generally given, is between the ages of *five* and fifteen, and therefore, if we deduct, from this number, one third for children under the age of five years, which will be sufficiently accurate for my purpose ; there will remain half a million of children requiring instruction, in reading, writing, &c. &c. Now, it appears from the Report, of the Superintendent of common schools, made to the Legislature of this State, the present year, that there were taught in those schools, in 1828, 449,113 children, between the ages mentioned ; and over and above these, 19,092, whose ages are not mentioned. There are 445 school districts, from which no returns were received. If we allow that there may be *half* as many children instructed in each of these districts, as were taught in each of the other districts, it would add upwards of 12,000 more to the number. To these are to be added, the number of children taught in private schools, of which, of course, no returns are required, or allowed to be made to the Superintendent. Those, also, taught in private families, and, there are many such, are not included ; so that when a full and fair estimate is made, I think it will be found, that not more than one twentieth, or a twenty-fifth part of the rising generation, in this State, are suffered to grow up, untaught.

Most of the Northern and Western States of

this Confederacy, I believe, will be found to exhibit similar results as regards public instruction ; and with respect to the Eastern States, it is well known, that they have long surpassed all the other States of the Union, in their institutions of education.

It cannot, therefore, be otherwise than propitious, in every relation in which the matter can be viewed, that a proposition is about to be submitted, to the consideration of a people, calculated, as the author of it believes, eminently to promote their welfare, by shewing how to eradicate the evils which afflict them, even under the best system of government, which the art of man has yet been able to devise ; and *that* people so circumstanced, that such proposition can and will come home to their closest investigation. It adds to the felicity of this condition of things, that after such investigation has been had, and a general conviction results, if it should result, that it is worthy of their approbation and adoption, that they hold in their hands, through the silent, peaceful, and irresistible operation of the ballot-boxes, the power to establish it, as the basis of their social compact.

Heretofore, such has not been the fortunate condition of the human race. If, in different ages, and in different countries, there have been found as is undoubtedly true, men of clear heads, and honest hearts, struggling to increase the happiness of the great mass of nations, they have been resist-

ed, by extraordinary and almost invincible difficulties. If the States, in which they lived, were small, and surrounded by powerful and dangerous enemies, as was the case with Rome, in the early stages of her history ; then wars, sometimes unavoidable, but often brought about by treacherous and aristocratic rulers at home for the very purpose, interfered to prevent the people from maturing great public measures for their benefit.

Such was particularly the case, with regard to what was called the Agrarian Law. This law forbid any man to own more than five hundred acres of land ; any excess over that quantity, was taken away and reserved to the public, or given to the poor. This law also gave to the soldiers, and to the common people, who had none, *lands conquered* from their enemies. Anterior to the introduction of this law, the Patricians, or in other words, the Aristocracy, turned all these lands to their own benefit. They were, therefore, extremely unwilling to give them up ; and such was the structure of their political fabric, at the time, that they alone had the power of originating all laws, the Agrarian, as well as every other. They were therefore disposed, as often as they dared, to render it nugatory, or of little effect. For four hundred years, it was the source of much civil commotion and bloodshed in Rome, and often came near being the cause of subjecting them to conquest by their enemies. At last, the Aris-

tocracy obtained the entire ascendancy over the people, and from that day began the decline of the Roman Empire.

But formidable as this vicinity to Rome, of powerful and warlike neighbours, was, to the welfare of the great majority of the Roman people, it was not the only obstacle they had to contend with. Constituted as their government was, as already stated, they had not the power of original legislation. This was invested in the Aristocracy; all that the people had power to do, was through the tribunes, appointed by themselves, to forbid the enactment of any law, which they deemed injurious to their welfare. They could not originate any new measures, however beneficial they might deem them to be to their condition. And the only method by which they could accomplish any thing of the kind, was by treaty with the governing power. Thus, when the State was attacked, or in danger of it, by enemies from abroad, they could refuse to enlist, or to defend it; or, as the price of so doing, demand, as they often did, the enactment, or the strict fulfilment of the Agrarian Law.

The Roman people seem not to have learnt; indeed it is a lesson learnt only within the last half century by any nation; that the legislative power of all nations, particularly, in the sense in which such power is ordinarily understood, resides in the majority of those over whom it is exercised. It is

no subject of wonder, then, even in the absence of foreign and hostile nations, that the Roman people could not succeed in permanently establishing the Agrarian Law. To have done this, required that they should have ascended to first principles : that they should have explored, philosophically, the primitive condition of man; and there have made themselves acquainted with the origin and fountain of all right, and of course, of all power. We, who live at the present day, know that such a search after first principles, has not been prosecuted, and attended with success, until three or four hundred years have expired since the invention of the Printing-Press. This important invention, of which the Romans knew nothing, was that, of which they, as well as all other nations, stood in need, as the means of *creating*, if I may be allowed the expression, an uniform public opinion. Although, as history informs us, they seemed very generally to wish for the Agrarian Law, yet, as they had no means of creating a common sentiment among its friends, as it regards the only effectual method of bringing it into permanent legislative existence ; this circumstance may be reckoned as another of the obstacles that interposed themselves between the Roman people, and the possession of the object of their most anxious wishes. It is perhaps, not susceptible of rigid demonstration, that the people of no nation, could ever have arrived at the dis-

covery and general adoption of the principles of self-government, without the assistance of the Printing-Press : but this, no doubt, will be conceded, that the period of such discovery and adoption, must have been greatly more protracted than it otherwise has been.

There may be those, among my readers, who may think it extraordinary, that there could have been found among the Roman people, such a number of partizans or advocates, in favor of the Agrarian Law, as, on its operation being denied or obstructed, to lead to the most violent political convulsions. But these should recollect the peculiar nature of their condition. Having no commerce worth mentioning, nor arts or manufactures of any kind, save those carried on, in a domestic or family way, and that in the rudest manner known to all nations, as they emerge from barbarity into a state of civil government, if so it may be called, they had no means to sustain themselves, but by the labors of agriculture. To deny them land, then, was to deny them life; or to compel them, to purchase its support, of the rich, at a price, or on conditions which rendered it scarcely worth preserving.

That we may fully understand the relation in which the Roman people stood to their government, we have only to imagine that, here, in the State of New-York, the same state of things exists; agriculture only supporting life; com-

merce, arts, manufactures, affording no resources. Now, if we allow our land-holders, to own no more than five hundred acres of land, and suppose them to possess that quantity, each ; then, sixty thousand land-holders would possess the whole surface of the State, consisting of about thirty million of acres ; whereas, taking five for a family, there are now, nearly four hundred thousand families, three hundred and forty thousand of whom, would not have a spade full of earth, or a thimble full of water, that they could call their own ; nor any other resources for subsistence !

It will be said, indeed, that the fact is not so ; and that their resources would consist in their labor on the soil, whatever might be the number of those who should possess it. I answer, that if the owners of the soil are owners at all, they are absolute and unconditional owners ; they have the right, as the term is now understood, and the *power*, if they please, to say, they will employ no one. It would therefore, be an abuse of terms, it would be the veriest nonsense, to say, of a mass of people, that *they* have resources, which are wholly in the possession of *others*. If resources they deserve to be called, they are those, only, of the beggar, or the slave. They come in the shape, only, of charity or bondage ; and either of these, are wholly incompatible with the high minded feelings of freemen. It may then, truly be said, *as far as government, or social institution is concerned, that*

three hundred and forty thousand families, in the case we have supposed are without political existence; while sixty thousand other families possess the whole property of the State. If these latter shall choose, even at the price of slavery, to give to the former, the means of *physical* existence, it is well; and they may live. But, if not, for any thing which their government has done, they must perish!

I allow, that some abatement is to be made, of this great number of the poor, from the fact that all the land-holders, cannot be expected to have *as much* as 500 acres, at the same time that they are restrained from having more; and that, therefore, a greater portion of the population will be owners of the soil, than I have chosen to suppose. (This, however, is a matter of no consequence; for where principle is concerned, injustice and impolicy are not to be estimated by numbers.) (Besides, if, under the mildest and happiest operation of the Agrarian Law, such an amount of misery, as this abatement would leave, was sure to arise what ought not to be expected, when there is no restriction whatever to the accumulation of estates? When instead of 500, a man might own 5000, or even 500,000 acres, according to his means, of obtaining, or acquiring them?)

I do not stop now to inquire, why it is, that these sixty thousand families should be considered as having, under any possible circumstances, a

just fee-simple title, to the soil of the State, to the entire exclusion of nearly six times their number of families, as good as themselves; or even to any portion of such lands, beyond that of equality. This is not the place; it shall be done, however, in due time, in the course of this work. But I have drawn this strong, yet I trust, true picture of the operation of the Agrarian Law, because I have felt, ever since I read it, that the opinion of Mr. Raymond respecting it, deserves to be controverted, and because I feel that such a controversion, falls within the province of this work. In vol. 2nd, page 12. and second edition of his Political Economy, published in Baltimore, in 1823, after declaring that, "an equal division of property is not to be desired, in any country, *because it is not a dictate of nature,*" a very excellent reason, indeed, *if it be true*; he proceeds to say that "an agrarian law, ***** is as unnatural, as it would be, to reduce all men to the same stature, by stretching them on the bed of Procrustes."

I have myself objections to agrarian laws, especially in any form, in which they have yet been presented to the world—but the reason I shall offer in support of those objections, will be very different from those of Mr. Raymond. As it regards man, wherever he is found on the habitable globe, there is so little difference in the stature of his various species, that there would be little use

for this same bed of Procrustes, even if it were known to have an actual, instead of a fabulous existence. If property was as nearly equal, as we know stature to be, among mankind, there would indeed be folly enough in complaining. But does Mr. Raymond, does any one, after reflecting for a moment, consider it to be as unnatural for every citizen of Rome to be restrained from possessing more than five hundred acres of land, as it would be, for example, to make five hundred thousand families, entirely destitute of every kind of possession and physically & politically dependent on a fiftieth part of that number? Are not greater evils, is not more misery, likely to be generated, by suffering the rich to go on, and engross the State, than there would be, by leaving them a moderate quantity, and giving the balance to their neighbors? For myself, I think it admits of no question; and more particularly so, when there was no restriction on the amount of personal property, which one might acquire, (though indeed, as said before, there was little of this;) and where, for the great mass of the nation, there was no support but labor in the fields, and the produce they afforded.

As to the objection urged against "an equal division of property, as not to be desired, in any country, *because it is not a dictate of nature,*" it strikes me, that it is not founded in truth. Undoubtedly the domain of a State or Nation, pre-

vious to any subdivision of it among the individuals who compose it, is property :—not *private* property it is true, unless it be spoken of with reference to other nations—but property, nevertheless, belonging to the whole community. If now it were proposed to divide it equally among them, could it be said, with any regard to truth—that such “an equal division is not ***** a dictate of nature.” Would not the very *contrary* be true? It would be a very singular phenomenon, indeed, if we should see them contending for an unequal distribution, in preference to that which was equal. If then, it *is* a dictate of nature, that men in the original allotment of the soil, the only kind of property then known, should desire an equal division of the same; how does it happen, that their posterity, may not *as naturally* desire an equal division for their benefit, in some shape or other? Has the institution of government changed the course of nature? Undoubtedly we must come to this conclusion, or reject the reason as unsound which Mr. Raymond gives, for opposing the equal division of property in question.

The object of the Agrarian Law, was no doubt, to prevent the enormous accumulation of property in a few hands, on the one side, and the most oppressive and demoralizing destitution, amongst much the greatest portion of the community, on the other. Let writers say what they will, of the good effects of stimulating industry, by holding

forth to those who may acquire property, the idea of *perpetual* and exclusive possession, and *without limitation as to amount*; still (there is no truth so generally received among mankind as this, that great wealth in few hands, is always injurious to the well-being of a State: and there is scarcely a nation on record which has not *felt* the injury, and at some period or other, of its existence, made legislative provision to abate or remedy it.) Often without doubt the remedy had its *evils*; and as I believe always. Yet I can hardly credit the opinion, that the remedy was *ever* as much to be dreaded as the disease. I apprehend, that it is quite possible to show, that when ever nations have ceased to exist, or have lingered on a wretched existence—it has been because there has prevailed in them no system, or theory of government, whereby property should be as nearly equal among the people, comparatively speaking. as their stature; and yet so constructed, as that each individual should labor, as it were, *exclusively* for himself, except so far as regards contributions to the public service. It remains to be seen whether such a system can be devised, and can be made in an easy and natural manner, to transfer its operation from generation to generation:—but, if it can be done, I think I run no risk of mistake in predicting that the happiness of nations, will be complete, and their existence perpetual.

CHAP. II.

Of the Rights of Property.

Perhaps, among all the subjects that have received human investigation, there is none that has occupied so much of the time, and exercised so severely, the intellectual faculties of man, as his inquiries into the origin and nature of the rights of property. And perhaps it is equally true, that no enquiry whatever, has been attended with so little success. It may seem to be the height of egotism, of vanity, of arrogance, of ignorance perhaps, and I know not what else, to make such a charge against the wisdom of past ages. But I confidently point to all that has been, and all that is, and ask if there be, or have been, any two governments of the world, that now have, or that ever have had their laws alike each other, on the subject of the rights of property? Not any two, even of the States of our Union, can say as much; though among them, one would think, was the place to look for such a similarity, if it were any where to be found. No wonder then, that Voltaire, on some occasion should have said, that rights change character, as often as a traveller changes post-horses. It was, in truth, no exaggeration; for the fact is still worse than his representation makes it. In the same nation, even, those rights, at two different periods of time are

not the same. And, as if this were not a sufficient satire upon our understanding of the subject, I believe, that there may be cases of the litigation of the rights of property in any country now known, where, if one hundred tribunals were simultaneously to try them, each of the greatest eminence for talents in judicial investigation, and each having before them precisely the same means of arriving at the facts, but having, however, no knowledge of each others' deliberations, they would, nevertheless, give a hundred different decisions.

'This "uncertainty of the law," glorious as it has been proverbially called, by way of ridicule, I take it, is evidence, that the subject is not understood. If it were so, these varying decisions could never happen. Rights are like truths, capable of being understood alike by all men;—as much so, as the demonstrations of Euclid. If, what are called so, are *not* so understood, it is proof that they are not rights; for it is scarcely to be presumed that they could not be rendered apparent to our perception—and that they are rather the arbitrary commands of power, than anything else.

But it is better to supply the deficiency of understanding on this subject, which seems to prevail, than to make it a matter of reproach. Let us see if it is possible to do it. It will be an achievement, of no small importance to mankind, inasmuch, as it will, in my apprehension, go far to ex-

terminate all the moral and political evils, with which they are now afflicted.

There seem to be three things which have an intimate and inseparable connection with each other.

These are property, persons and rights.

Out of these materials are built, or ought to be built, all the governments in the world. These are all the necessary and proper elements of their constitution; and these being applied as they have been, have caused, in my estimation, more evil to mankind, than any one can pretend that governments have done good; and, being applied as they may be, will fulfil the destiny of man, by reversing the results of the past.

(What, then, is property? I answer; the whole material world: just as it came from the hands of the Creator.

What are persons? The human beings, whom the same Creator placed, or formed upon it, as inhabitants.

What are Rights? The title which each of the inhabitants of this Globe, has to partake of and enjoy, equally with his fellows, its fruits and its productions.)

Let no one pretend, that there is yet other property. Let him ascend with me to the earliest ages; to periods of time, anterior to the formation of all governments; when our race existed, but when political institutions did not. For it is to these periods, we must ascend, if we mean to

arrive at a true understanding of the theory of all just governments : And it is to these all my remarks, will apply, until I come to offer my sentiments as to the principles of property which *ought* to enter into their formation. Let no one, then tell me that the *labor*, which the savage of the forest, has employed, in the manufacture of his bow, is property. (That, only is *property*, which belongs to some one. Now it cannot belong to the race, collectively, for they did not produce it. It cannot belong to the individual, who prepared the bow—because, *it cannot be separated from it* ; and because, if it could, it could have no physical existence whatever ; and having no such existence, he would possess nothing more, than if he had never made it. Besides, the *material*, of which the bow is made, is the property of mankind. It is a property, too, which, previous to the existence of government, has never been alienated to any one. If it has not been alienated, it cannot belong to another. Another cannot have any right to make use of it. Before he does so, he must obtain the consent of all. What right, then had that other, to bestow his labor upon it ? What right had he to convert it into a bow, or into any thing else ? Instead of acquiring a right, thereby, to the bow, he has rather committed a trespass upon the great community of which he is a member. He is rather, of right, subject to punishment, than invested with title, to that which

he has taken without consent, and appropriated to his own use.) At least, then, it is evident, that *his labor*, bestowed upon the *material* of the bow, does not give him a title to the latter? Does the mere act of *taking possession* of it, give it? Most certainly not. For here, as well as elsewhere, consent is necessary. Otherwise, it would be quite as correct, for example, (all the members having put in an equal share of the capital) for a member of a banking company to appropriate to his own use, the contents or any part thereof, of the iron chest containing the gold and silver belonging to the whole. Nor is it an objection to the force of this argument, to say, that the iron-chest is already in possession of the company, by its agents or otherwise, while the domain of nature is not. It is here that I deny the truth of the declaration. The domain *is* in possession. The owners—and they are *equal* owners too, are already present, and upon it. They have not, it is true, *divided* it, among themselves and given to each what he may call his own, any more than the Banking Company mentioned, has done the same thing: but they are nevertheless in possession. The analogy therefore is full and complete.

Will it be said, then, some one may ask, that if an Indian kill a deer, it is not, therefore, his? Most certainly it is not. What, in my turn I would ask, is to become of other Indians, if there be actually fewer deer, than are needed? Must

the mere accidental, or even sought for, circumstance, of any Indian's meeting with, and killing a deer, make such Indian the owner of it, to the exclusion of his fellows, who have an equal claim to it, by the right of nature? Shall one of the species feast upon it, and the remainder hunger? Besides as in the case of the bow, may not trespass have been committed in killing the deer also? As, in that case, the *animal is the property of the whole*, and if consent have not been given, it still remains their property, whatever one of their number may have thought or done to the contrary. For the owners of this deer, are only to be divested of their right and title to it, by their *own* act—and not by the act of another.

Again if an Indian collect wood and make a fire; it may be asked, is it not *therefore* his? By no means. For by the same right that one Indian may gather fuel into a heap, another may take it, and scatter it to the four winds. The right is as good in the one case, as in the other. The materials are as much the property of the one as of the other. They belong to neither. They belong to the *whole community*--and certainly not to any part less than a majority. Besides, the *ground* upon which the one has built a fire, or prepared to build it, is as much at the pleasure of the occupancy of him who has not built it, as of him who has. Each has an equal, and of course a conflicting title to such ground, for such purpo-

ses and in such a manner, and for such time, as to him shall seem fit. The *ground*, also, as we have just said of the materials of the fire, belongs to neither. It is the property of the whole. So that if one may do, another may undo. If one may build up, another may pull down. If one may appropriate, another may dispossess. If one may do any thing without the consent of the whole, another without the same consent, may go and destroy it altogether. The fire being built, the *space circumjacent* to it, is of the same common right, and whoever pleases, may approach and warm himself as much as he chooses, without hindrance or obstruction from any one. And this too, on the same principles which we see prevail throughout the previous cases.

Lastly, let us suppose this Indian, to cultivate a field. He plants it. Is it therefore his, in opposition to another, who, it may be, desires it, for another use? May not this latter eject the other from his possession, with the same propriety, that this other attempts to make an exclusive use of it? Most undoubtedly. That which belongs to a thousand cannot be made the property of a single person, without their consent. Why then will not *possession* give title? Because that which is taken into possession, belongs to another; and not to him who takes it: and because the *consent* of that other, must give title; possession, if it be just, growing out of consent. Why will not *labor*

bestowed upon property in possession give title? Because the property *itself*, is another's, and before any *labor* can be honestly bestowed upon it, that other, who alone owns it, must give his consent. Why will not occupancy give title? Because it is only another species of possession: and because, here, as before, the consent of him who owns, must be first had and obtained. And if it be so had and obtained, then is *title* given even though possession or occupancy be not had. It is *consent*, therefore, and nothing but the consent, of those who own, which can accord title. And yet it is very plain, that if possession, occupancy, or labor bestowed, in consequence of either, is sufficient to give title, then consent is not necessary; and then it would follow, that those who are truly the rightful owners, could be stripped of that which beyond all dispute belongs to them, without any act on their part, to divest themselves of their right, and in fact, in opposition to their will and consent. If then possession, occupancy, or labor superadded, is insufficient to convey title, then is my position established; and consent of the owners of property, is the only requisite to title to its possession by another. That the making a bow, the killing a deer, the building a fire, or the planting a field, or any similar act or acts, cannot give title is self-evident; from this, that *before any of these acts were performed*, there was a proprietor in actual existence, to whom, and to

whom alone they belonged, and not to those, who undertake, surreptitiously to obtain the title.

In all these cases, it is apparent, that industry has added *value* to the materials and productions of nature, and therefore if any one desire it, it may be said by way of complaisance, that there is more *property* in the world than there was, as it came from the hands of the Creator. This, it is not so much my purpose to deny, although it may seem to controvert the definition I have already given to the term *property*, as it is to assert that, *whenever this Indian is permitted to retain, exclusive possession of his bow, his deer, his fire and his field, or either of them, government has actually begun*; and of course the supposition has vanished, upon which I began my consideration of the rights of property. For it was to a period of time anterior to the formation of all governments, the reader will recollect, to which I confined my remarks. If government, had not then thus begun, consent could not have been given. There would have been none to give it. Without this he could not possess aught. With it, he is enabled to exclude all others from the use, or enjoyment of what otherwise they could enjoy as well as he, and with as much propriety. Nor does it alter the principle of the thing, that his possession is granted, for a limited time, be it long or short, instead of being rendered perpetual. For the time being, his right of possession, is as absolute, and

unconditional, as any thing can be. If he have his field for one season only, the exclusive right he has over it, is as perfect, *for the time*, as if he held it in perpetuity. I know there are those, who are disposed to consider such possession, as it were, for a year, to be nothing more than, as it is called,, an *usufruct*, for that time. But what I ask is a fee-simple deed, but a perpetual *usufruct*? Certainly, when a piece of land is sold forever, nothing more is sold than the fruits, which can be drawn from the *use* of it for ever. And this is what is meant by the term *usufruct*. There seems, then, in such an idea, to be more of distinction than difference. All the difference which I am able to perceive, is, that in one case, the *use* of land is given for a single year; in the other, it is given without limitation of years, or, in other words for ever.

It may seem very rigid in me, to insist, that no individual of his species, previous to the first establishment of any government, has a right to appropriate to himself, exclusively, any thing; such, for example, as the articles which have been mentioned, or whatever else it may be, without the consent of those who are joint owners with him. But I apprehend it is nevertheless true. Investigations of right, are necessarily of the rigid character in question. In this consists their impartiality; and in this again is found, the guarantee of their truth. If the fact were not so, there

would be much reason to suspect the soundness of the conclusions, at which we might arrive. An Egyptian king was once told "there was no royal road to Geometry." Neither is there any such road to a full understanding of the rights of property. They must be deeply and patiently investigated, or they will never be understood.

But an illustration of the necessity and propriety of these truths, may be drawn from what is very familiar to us all. An estate is left to a number of heirs, in equal right, and an executor is appointed to make the distribution. Before the distribution is made, would any one of the heirs be allowed to help himself, to what he might wish, of the estate? Would not every one see the impropriety of this? Would not every one understand, that the proper course, to be pursued, was to call upon the executor and obtain his consent? The executor, having the power of acting for the benefit of all, is the only one competent to grant, if to him it shall appear proper, what may be desired. So, in the case in which this example is offered as an illustration, the whole community stand in the place of the executor, and have the power, and they *alone* have it, to alienate to any one, or more of their own number, temporarily or otherwise, any portion of the property in possession.

Nor is it essential to the *reality* of this alienation, that it should be done in a formal manner.

In the history of the human race, we know that it has, necessarily, been, of a character very informal. It has not been possible, at all, to assemble the entire species, and thus to obtain their consent, in a direct and formal manner. Nor perhaps, on many occasions, has it even been thought of. The most that can be said, is, that when one individual, has seen another making a bow, killing a deer, kindling a fire, or planting a field,—that he has reflected—that there was abundant opportunity, mid the scanty population which all countries possess in their first settlement, and for ages afterwards, for him to do the same; and that he has accordingly *acquiesced*, in what his fellow-being had done; and has gone and acted in a similar manner. It is thus that we may trace *the consent*, which, in strict matter of right, I hold it is the duty of each to obtain of the whole community.)

But allowing, even, that it was not possible to show, that any such consent as is supposed above, was *ever* given; still this fact alters nothing. Principles are unchangeable and eternal; they have ever existed and will never cease to exist; and whether men happen to see them or know them, or acknowledge them, or not; still they exist; still they form the rule by which to ascertain his rights and guide his efforts to obtain them. Still do they remain to him, ready for his

use, whenever he shall feel that they can be of service to his welfare and happiness.

[In speaking of the consent which I require each individual to obtain of the whole community, let me not be understood, as considering such consent as being the *origin* of each person's right to his equal share of the whole property of the globe. By no means. This right he has in virtue of his existence, and in virtue of the existence of the property in question. They are inseparable, while one has vital life, or the other physical existence.] But the consent I speak of, is necessary, not for the purpose of granting rights, for these are *born with* the being to whom they belong, but, to *define and locate* his share; to say *how much, what, and where it shall be*; and to secure and defend its enjoyment exclusively to himself. Without such designation, he could not be assured of possession, to the exclusion of another; since that other has as good a natural right, to that which is artificially assigned to him, as he himself can pretend to have. As well might it be contended that the pleasure of the executor, is the source of the right which the heir has, to the share he ultimately obtains, of the estate of the testator, as that the community in question, *confers* any right on its citizens. The executor is only a trustee, for the benefit of the legatees; the testator, he who *created* the executor, furnishes the legacies. So, in the case of the great community

of mankind. They in their general, or collective capacity, are trustees, for the benefit of each individual of the species—and the Creator of the Universe is the being, who has furnished the property, which is the subject-matter of the trust, and ordered it to be distributed to all equally. No act therefore, which either the heir to the estate, in the one case, or an individual of the great mass of mankind, in the other, is capable of committing, is competent to *create* rights for such individual; and for the plain and unanswerable reason, *that, they are already created*; in the first case, by the testator; and in the last, by the Being who made us and all we behold. Nor, on the other hand, has the executor, or the great community referred to, any power to create rights, and for the same reason, *that they are already created*; and that there is no discretion given, to either of the agents or trustees in question, to alter or modify them in the smallest degree. If, as is often the case with legacies, the Divinity had specifically given, designated portions, of the fruits of his Works, to specified persons; then indeed, there would be no occasion for the great community in question to interfere. The work, which it is now their duty to perform, they would then find already achieved to their hands; and they would have nothing to do but to acquiesce. Besides, another reason, why neither the executor, or the community referred to, is able to confer rights, is, that

they were not the creators, nor of course the owners, in their own original right, of the property in question. It necessarily existed previous to, and independent of their existence, and of course, came into their possession, subject to the conditions and the commands of a power who created both.

It is apparent, then, that no act of the individual can vest in him rights, which are already invested: nor add to, nor diminish them, in the slightest degree. It is equally apparent, that no power exists in the authority of the community to modify or alter in the slightest degree, these rights. (*There can exist no power whatever to destroy equality of rights, but the power of violence and injustice.*) Having been originally equal, they remain so, and nothing but force or ignorance, can keep them out of the rightful owner's possession. If however we were to allow that the mere acts of converting a bough of the forest, into a bow, of killing a deer, of kindling a fire, or cultivating a field, could confer upon the person performing these acts, the right of exclusive possession, no matter for how short a period, it would go to controvert and overthrow all this reasoning. (It would go to establish the position, that conquest and force give right; since all these acts partake more or less of this character.) I trust, therefore, in an age, and to a people, which has long since exploded and rejected what is called the

right of conquest, as barbarous and unjust, it is necessary to say little more in opposition to the principle—that possession, occupancy, or *value* added to property thus in possession, does not give a right to the possessor, to *continue* his possession. It must be evident, that if the possessor *have* a just right to retain it, *such* right has its origin, in another source; and where, on the other hand, if it be not found, he ought to be *prepared to give it up*; and place it into the hands of those who have a better title.

I know there are those who will maintain, that all these acts enumerated, and others of a similar character, are acts of peace and industry; that they are unconnected with, and unknown to violence, and that, therefore, they bear no analogy to conquest. It is true indeed by the supposition, that in the mere act of taking possession, and fitting for, and applying to use, no other person is supposed to be present. If there were any such present, and particularly, such a number as to amount to a majority, *and these did not object*; it would amount to nothing less than consent. The right, then, of the possessor to make exclusive use of these objects of property, *would rest on that consent*, and not on the act of his taking possession. So, in an other instance, if no one were present, but, by any means, the same majority became apprized, of the intention or wish of the proposed occupant or possessor, *and there was still no objec-*

tion manifested, then the same consent is to be inferred, and *such consent*, would be the charter of his authority to maintain possession ; instead of the act itself of taking the property into his own keeping.

But let us suppose, that consent is in no way given, and that still possession is taken without it. It is asked, in what way does such possession, bear any analogy to conquest ? To this, I answer *That it is to be maintained by force*, (although not acquired by it,) if the possession be disputed. If it be not disputed, then are we to infer that there is no objection ; and that consent is given. If it be said, that the possessor, *will not use force*, to maintain his possession, in case of its being disputed ; then, I say, that he abandons his claim to its exclusive possession—and there is an end of it. Nor is there so much of dissimilarity to a case of conquest, as, at first view, there may seem to be. If an army were to invade a portion of territory, *where there were no forces* to oppose them, they would of course take possession without opposition. If afterwards, the possession was disputed, they must fight to maintain it, or they must abandon it without contest. If they adopt the latter alternative, they are in the situation of our Indian, who should give up his bow, to another Indian who should demand it. If on the contrary, the people of the invaded country, should, by any possibility, be supposed to have no objection to the

possession of a portion of their country, by an army of strangers, it would amount to nothing less than consent. If, from a principle of *fear*, they abstained from contending for the expulsion of the invaders, it would be a case of conquest, by the *presence* of an army, rather than by the result of a battle, or a campaign. As well might the squatters, as they are called, who settle on our public lands, without the consent of the nation, contend that possession gives *them* a just and valid title, as that an individual, or a combination of individuals, call them tribe or nation, or whatever else you please, should obtain a just and valid title, by the same act of possession, or occupancy of any portion of the great domain of nature.

One point more, it may not be without its use to discuss. It will be said that the Indian, for example, who has appropriated to himself, without the public consent, the material for a bow, may justly have done so, upon the supposition that he has left, for each and every of his fellow-beings, materials for bows, for their use, in every respect as good as his own. If he has done so, as the case supposes, then are those which he has left in the forest, equal to his own; and he can have no objection to give up his own, and take one of them in lieu thereof, on receiving from any one, the amount of labor, which he has bestowed upon it. If still he is *pertinacious* and prefers,

arbitrarily, retaining his own, to that of receiving another ; then, I say, inasmuch as all men are equal ; that one's right to be pertinacious is no better than another's ; that if one is arbitrary and unaccommodating in his choice, so may another be ; and that if any one insists upon having a particular article out of two or more, which, it may be, all acknowledge to be equal, in preference to an other, so also may another insist upon having the same. For, as already said, one's right to be pertinacious, arbitrary, and unaccommodating, is as good as another's ; and if death result from their conflicting claims, the party first exhibiting the pertinacity in question, is justly chargeable with the whole of the blame that may attach to the transaction. For equality is as much to be maintained in *pertinacity of choice*, as elsewhere, since it is to be destroyed no where.

If there be truth in what I have advanced, with respect to rights supposed to be acquired, by possession, occupancy, or the addition of the labors of industry, to the subjects of possession, it follows, that no nation, whatever, holds any just title to the soil on which they are located, on any supposed validity in what may be called the right of possession. It is competent to the Chinese, to say to the people of Hindostan—"we have as good a right to what you call your soil, as you have yourselves," and they in return, may say, "the soil of China, belongs as much to us as to

you." The French may say to the English, "that English territory is the property of France as much as it is of England," and the people of England may claim a similar right in France. Europe may say to America "the dominions you occupy are no more the property of yourselves, than they are ours," and America in her turn, could reciprocate a similar declaration.

If, however, by any just process whatever, it can be made to appear, that nations, are, as they are, by the consent of a majority of nations, or at any rate by a majority of the people of all nations, then the case is made out, which places the title of all nations to the *particular* soil they occupy, in the consent of every other ; or at least, of a majority of them. Nations, it should be understood, are the *people* of whom they are composed, and not the soil, dominion or property which they occupy. They have, it is true, a right, a natural right, to an equal and proportionate share of the earth ; but, *where* it shall be, and *how much* it is equivalent to, it is for the majority of all the inhabitants of the globe to determine. If, to-day, a general convention of the whole of them, could be had, it would be competent for such convention to order such disposition of things, as to them should seem proper. At least, I think, this point will be conceded by every one, if, for a moment we admit, that hitherto, there has been no government at all ; no appropriation to individuals, or classes of in-

dividuals, of specific portions of soil or territory. They might apportion the whole as it now is : and in such an event, all nations would hold their territories, by actual and direct common consent.

This common consent is, however, to be inferred with almost as much certainty as if it had been formally given by a General Convention. In one way, by recognizing it, in an official and formal manner, well known among nations ; in another, but more informal manner ; by suffering new nations to rise into existence, greatness and power, without interfering to prevent it.

The present allotment of the surface of the globe, among its inhabitants, is probably such, that it is capable, if circumstances admitted, of receiving much improvement. There is no doubt that many countries are overpeopled, particularly for the habits, knowledge and other circumstances that now prevail among them ; and they who should leave them and go to others, which need population, would not only make their own condition happier, but confer additional happiness on the inhabitants of those countries to which they should emigrate. It is not within the scope of this work, however, to engage in any speculations on this subject. It is sufficient for me, that all nations, recognise the right of all other nations to make such disposition of their acknowledged territories, as they shall think proper, and to admit or exclude, as members of its political institution, or

residents, within its boundaries, those born in other countries, if to them, it shall seem good. This right however, is very rarely exercised ; policy seeming to forbid the exclusion of a good and useful citizen. If we are not to question the natural right of every human being to a portion of the property of this globe, equal to that of any other being : further ; if we are not to question his artificial right, or right in society, as I shall call it, equivalent thereto ; it would seem that we ought not to question his right, since it seems to belong to personal liberty, of which no one, ought to be deprived, of choosing freely the country, in which he will receive it. But as this cannot be done, on the system which I am to propose in the course of this work, until all nations shall have adopted it, the members of that state or nation, who shall first adopt it, if any such there shall be, will be compelled to be abridged of this portion of their natural rights, until such an event takes place ; but they will have this reflection to console them : that it is not the act of their own government which abridges it, but that of foreign states or nations, who, it will be seen, are not yet prepared to acknowledge, what I trust, are the indisputable rights of man in society. This observation, I am sensible, may not be fully understood, by the reader, in the present stage of this work ; but if he will have the goodness to keep me company with his patience, and attention, until I can have the

opportunity to make myself understood, I think, he will feel the full force of my remark, and be disposed to agree with me in opinion.

It will occur to the discerning reader, that there is apparently, some incompatibility in conceding, in the first place, to the great community of the human family, the power to assign to an individual for example a certain specific portion of the property of the globe on which he dwells ; and in the next place, to claim for him, the right of having assigned to him his equal portion on any part of its surface, which he shall choose to name. But, if it be borne in mind, that I am discussing the subject, as it has reference to a period of time, anterior to the formation of all governments, and, of course, to a period when money is unknown, I apprehend the incompatibility, will vanish. It will be seen that a *division in kind*, must, of necessity, be made, in the first instance, equally or as near it as the great community have it in their power to do so, among all the individuals which compose it. If, immediately subsequent to such division, for purposes which shall appear good, a classification of these individuals into what we now call nations, should take place, and such classification should happen to be what now exists, we should have the world before us, as it now is ; with the exceptions, that it would be equally divided among all its inhabitants, and that there is no money. Now, in such a state of things, the only way, in which I, for example,

being a citizen of America, could transfer my share into England, for instance, would be, to offer an exchange, with some subject of England, of my property for his. But if we suppose, that all nations have absolute and exclusive jurisdiction over their own territories, they could forbid this, by prohibiting me from coming among them. The good policy, however, as well as the justice, of such a power, may well be questioned. So, also, may the power to prohibit any human being from receiving his natural share of the property of the world, in any country which he may choose to name; whenever, by the invention of money, and judicious modifications of political institutions, the thing can be rendered practicable.

The injustice of thus preventing an individual from receiving his proportion of the property of the world, in any nation, that to him shall seem good, may be made manifest, in an obvious and natural manner, by supposing, that the share, one with another, which the people of China, for example, receive at the hands of their government, is so much superior to the shares, received, one with another, by the people of Hindostan from theirs, that the former are not willing to exchange on equal terms with the latter. Wherever such an unwillingness should be found to exist, it would be evident, that the party refusing had in their possession, as a nation, and of course as individuals, more than their equal share of the property

of the globe ; and that the right, as it is called, of exclusive jurisdiction, affords the means of securing to them, this undue share. In a work, therefore, the object of which is to contend for the equal rights, of all men, as well to property, as to liberty and life (for what are life and liberty good for, without property ?) it is not possible to overlook this important point, without manifest inattention and injustice to the subject.

It would be an interesting subject of research, to ascertain among all nations, the causes which have determined them, each to its own particular system of the rights of property. It would probably be found in all cases, that each system at any given period, is indebted for its principal features, to a thousand circumstances, each, almost wholly separate from any and every consideration of the original and equal rights of man. Whenever conquests have been made, or revolutions have happened, and new governments have succeeded, they have been of a character, such as circumstances, seemed to compel their framers to adopt. In the case of the American Revolution ; the governments succeeding it, more or less partook, of the political evils of the system, which preceded them. This will be rendered more apparent, by observing, that if it had been possible, that the Revolution could have occurred, before slavery had been introduced on the American soil, or introduced only to a trifling extent ; all our govern-

ments, both State and National, would have directed their efforts to destroy it immediately, and to prevent its further introduction among us. So again it may be remarked, that vast estates among us now, belonging to single individuals, derive their titles from grants made by our proprietary governors, to whom, if the governments of Europe, had not given territories, of which, in most instances, the donors themselves did not know the bounds, neither such individuals, nor any others, would have possessed them ; inasmuch as the people of this country in forming a government for themselves, would never have sanctioned it.

Indeed, the right of property, as the term is usually understood, is vastly more vague and fluctuating, than most of us are inclined to imagine. One would think, that if there be any any quality by which property can be known, it is this ; that it cannot be taken away without the owner's consent. For, if it can, it is not easy to understand how it can be property. Now, there has been a period of time, in the history of this State, when none but those who possessed a certain amount, as well as kind of property, could vote for our State Senate. This body, among other things, had the power to give a negative to all laws from the other House. If a law came from thence, for the purpose of taxation, and the Senators disliked it, they could say " no " to it, and thus hold fast their purse-strings. Afterwards our political structure, was so far al-

tered, as to allow every one to vote for Senators, whether they had property or not. The consequence of this alteration, was, to take the negative which the rich formerly possessed, out of their hands, and of course their property, without their consent, along with it. And yet, under all these varying circumstances, the community, generally, make no complaint of the violation of the rights of property, although on the face of it, it is as plain as the sun at noon day, that, to-day, there is one rule for determining these rights, and to-morrow there is another.

In referring to this change, in our Senatorial System, it is not my intention to complain of it. On the contrary, there is no doubt it was perfectly correct, to have made such change ; inasmuch as it is was necessary to preserve the personal rights of the million, who had no property ; even though it should infringe upon the rights of property in the hands of the few, and the rich. Yet it cannot fail to strike every observer, of the least reflection, that, if those who possessed property, had an unquestionable right to it, no man or number of men, ought to have power to take it away. There is, then, something palpably wrong in a government, which is thus obliged to destroy rights of one kind which it recognizes, in order to preserve others. If we make the supposition, that all the citizens are equal in point of property, or nearly so, then the conflict which is now so

conspicuous, between different kinds of rights, ceases, and is seen no more. But to make this property equal, presupposes that the present holders have not a sound and valid title to it; and government, therefore, if it acted upon the supposition that such title was not valid, would contradict its present opinion.

It would seem, then that in every government, the laws of property, have no reference, or very little, to original principles. If they had, they would be much more similar to each other, than they are now; and much more nearly uniform, in the same country at all times.

But I have not mentioned *all* the causes that conspire, when, revolutions happen, and when there is an opportunity, nay, a necessity to resort to first principles, to prevent nations from doing so. Not only, when revolutions are over, and there is a necessity to fill up the chasms in government, which they have occasioned, are the evils of a previous generation, pressing upon the new, but those who frame their laws, and who, over all others, are to be presumed to know best how to reorganize the political fabric; in fine, *the leaders of nations*, are themselves, uninformed, of the rights of the people. We live near to a great epoch, in the history of our own country—the Revolution that separated us from England—we are acquainted with the distinguished men, who performed a prominent part, as well in the separa-

tion of the two countries, as in erecting the new governments that succeeded. We are able to know their minds, and to judge for ourselves, how far they were adequate to institute government, on principles of original right ; for it was on such principles *as they understood them*, that they supported the Revolution and erected the political edifices that in consequence became necessary.

Of all these, no man, more than Mr. Jefferson, deserves to be considered, as possessing in his own mind, not only “the standard of the man,” but the standard of the age. If there was any one capable of ascending to first principles, it was he ; and if it was not to be expected of him, how was it to be expected of any one else ? Yet Mr. Jefferson speaks of the rights of man, in terms, which when they come to be investigated closely, appear to be very defective and equivocal. I do not mean, that he thought or meant them so ; for it is evident that the contrary was the fact. Let us quote him, however ; let us weigh his expressions ; let us arrive at his intentions in the most legitimate manner : and then see, if I am borne out, in my declaration. If I am, I shall be sustained. If I am not, I shall fail, and deserve to do so. He says :—

“ We hold these truths to be self-evident ; that
 “ all men are created equal ; that they are en-
 “ dowed by their Creator with certain unalienable
 “ rights ; that among these are life, liberty, and

"the *pursuit of happiness*." These are his words in the declaration of American Independence.

Whoever looks over the face of the world, and surveys the population of all countries; our own, as well as any and every other; will see it divided into rich and poor; into the hundred who have every thing, and the million who have nothing. If, then, Mr. Jefferson, had made use of the word *property*, instead of "*the pursuit of happiness*," I should have agreed with him. Then his language would have been clear and intelligible, and strictly conformable to natural right. For I hold, that man's natural right to *life or liberty*, is not more sacred or unalienable, than his right to property. But if property is to descend only to particular individuals from the previous generation, and if the many are born, having neither parents nor any one else, to give them property, equal in amount to that which the sons of the rich, receive, from their fathers and other testators, how is it established that they are created equal? In the pursuit of happiness, is property of no consequence? Can any one be as happy without property of any kind, as with it? Is even liberty and life to be preserved without it? Do we not every day, see multitudes, in order to acquire property, in the very pursuit of that happiness which Mr. Jefferson classes among the unalienable rights of man, obliged to sacrifice both liberty and health and often ultimately life, into the bargain? If then property be so essential

and indispensable in the pursuit of happiness, as it appears to be, how can it be said, that I am created with an equal right to this happiness—with another, when I must purchase property of him, with labor and suffering—and when he is under no necessity to purchase the like of me at the same costly price? If we are created equal—how has he the right to monopolize all, or even an undue share of the property of the preceding generation? If, then, even the rights of liberty and life, are so insecure and precarious, without property—how very essential to *their* preservation is it, that “the pursuit of happiness”—should be so construed, as to afford title to that, without which, the rights of life and liberty are but an empty name?

Let no one attempt to evade the question, by saying, that if the poor have not parents with property which they can give to their children, it is not the fault of this or of any government. It is possible, *under some circumstances*, that this might be true, and yet be altogether foreign to the question. But who, I ask, is it, but government that authorizes and enforces the execution of *wills*? Who is it, that allows a man just as he is about to return into dust, to say what disposition shall be made of that which he now calls his; who shall have it, after he ceases to be; and who shall not? Who is it, that authorizes a man to consider himself the owner of property longer than he lives, even to the remotest generation; and clothes him with

power, (if he chooses,) to order that even his own children, and childrens' children forever, shall have none from *him* ; nor from any one else, unless by servitude it be purchased, from others, who may happen to possess it ? Who is it, but government, that has placed the rights of children to property in the keeping of their fathers—and so fixed it, that if these fathers shall refuse to give to their children, what ought to belong to them, as it did to their progenitors, they should have no means of obtaining it ? Who was it, that ordered that the father should be every thing and the children nothing—if it was not government ? It is government, in principle, and often in practice, which has done all this. It is government, and government alone, which has determined, that where the former (deceased) owner of property has given no *intimation* of his wishes—that then it shall go ; in some countries, *all* to his eldest son ; in others, to the sons alone, and none to the daughters—and in others, again, to all the children equally. It is government, therefore, which has the power of destroying wills altogether, and of making such disposition as it shall judge best, of the effects of deceased persons. If, indeed, it were true, that government had the power, or rather ability, only to make life and liberty equal, and could not make property equal ; it would go the full length of proving that government, was an unauthorized institution, alienating the “unalienable rights,” with which the Creator has endowed all men, *a very*

great majority of whom, have no property of any description ; never have had any : and while the present order of things, exists, never *will* have any.

The Author of the Declaration of Independence, and those who supported it, “with their lives, their fortunes and their sacred honor,” never seemed to have perceived, that, if their system of rights, in its practical effect, went to give to one human being living under it, the privilege of taking so much of the property of the preceding generation (whether it came from a parent is nothing to the question,) as would enable him to live in idleness, on the productions of the labor of others ; so should it give the same privilege to all. Otherwise there is no equality in the business ; and the declaration, that the Creator had created such an equality, but the legislation of man had destroyed it, becomes at once the *theory* of our government on the one hand, and its *practice* on the other.

Besides, if the Author of the Declaration in question and its supporters, had intended to say that mankind had an equal and unalienable right to life, liberty, and property ; they would have said it, at once, without using the vague expression, “the pursuit of happiness.” How they expected this “pursuit,” without property of any description, to be of any avail, or at any rate, of avail *equal* to that which a fortunate possessor of an estate could enjoy, it is not easy to conceive.

There may be those, who will contend that

‘sufficient for the day, is the evil thereof ;’ and that what Mr. Jefferson and his coadjutors have achieved for their country and mankind, in being mainly instrumental in establishing the first example of representative government in the world, is honor and glory enough. This is true ; but it is also true, that had the sages of the Revolution seen that an equal right to *property*, as well as to life and liberty, was also among the unalienable rights of man, and declared accordingly, it would not have made their glory *the less* ; and, if they had not succeeded in reducing these theoretical truths to practice, sagacious men enough among the ardent friends of freedom, which *this* as well as every other country affords, could not have failed to supply the deficiency.

But other associates, in limited views of the actual rights of man, had Mr. Jefferson, besides the members of the Congress of 1776, which adopted his immortal Declaration. Among these, was Thomas Paine. Perhaps few men that have existed, understood themselves, and the subjects they discussed, better than he did. Yet original as were his thoughts, he nevertheless, wandered into some misconceptions, and left his subject partially unexplored by his investigations. That he has done so, considering how much rubbish he has removed, is perhaps not a matter of wonder. To have done more ; to have examined the subject of government, in such a manner, as to have left nothing to be desired, would have been too much,

perhaps, to ask at the hands of humanity. But, in justice to the reader, in justice to myself, let Mr. Paine speak for himself.

“ When a people agree to form themselves into
 “ a **REPUBLIC**, (for the word **REPUBLIC** means the
 “ public good, or the good of the whole, in con-
 “ tradistinction to the despotic form, which makes
 “ the good of the Sovereign, or of one man, the
 “ only object of the government,) when I say, they
 “ agree to do this, it is to be understood, that they
 “ mutually resolve and pledge themselves to each
 “ other, *rich and poor alike*, to support and main-
 “ tain this rule of equal justice among them.
 “ They, therefore, renounce not only the despotic
 “ form, but the despotic principle ; as well of gov-
 “ erning as of being governed, by mere Will and
 “ Power, and substitute, in its place, a govern-
 “ ment of justice.

“ By this mutual compact, the citizens of a re-
 “ public, put it out of their power, that is, they re-
 “ nounce, as detestable, the power of exercising, at
 “ any future time, any species of despotism over
 “ each other, or doing a thing, not right in itself,
 “ because a majority of them may have strength
 “ of numbers, sufficient to accomplish it.

“ In this pledge and compact, lies the founda-
 “ tion of the republic : and the *security* to the rich,
 “ and the *consolation to the poor*, is, that, *what*
 “ *each man has is his own* ; that no despotic sove-
 “ reign can take it from him, and that the common
 “ cementing principle, which holds all the parts of

a republic together, secures him likewise from the despotism of numbers: For despotism may be more effectually acted by many over a few, than by one man over all.”—*Dissertations on Government, written in 1786. See Paine's Works in two vols: Philadelphia, 1797. Vol. 1. pp. 327 and '8.*

The reader will observe, in the foregoing extract, that Mr. Paine contemplates, the first formation, at any rate the first *just* formation of government; he goes back, *as he imagines*, to the beginning; and as he there finds the situation of things, so he takes care, in the system of government which he marks out, to preserve them. He discovers that there are *rich* and *poor*; I have italicised the words that the reader may remark them more particularly; and he provides that “what each man has, is his own.” It is obvious, therefore, when he wrote the foregoing, that he had forgotten what he had written, on the same subject, so early as the 14th February, 1776. At that period he published his “Common Sense,” the first page of which has the following passage:—

“In order to gain a clear and just idea of the design and end of government, let us suppose a small number of persons, settled in some sequestered part of the earth, unconnected with the rest; they will represent the first peopling of any country, or of the world.”

Yet ten years afterwards, Mr. Paine talks of the existence of *rich* and *poor*, at a period, when they are about, *for the first time*, as he supposes, to or-

ganize for themselves, a common and equal government. Now, let me make use of Mr. Paine's supposition; let me take his "small number of persons;" let me conduct them to "some sequestered part of the earth, unconnected with the rest;" suppose it be an island in the Pacific Ocean; let me place them upon it; and desire them to institute for themselves, a just and equal government; where would be his *rich and poor*? Would they *create* them? Would they do as Mr. Locke, the celebrated author of a treatise on the Human Understanding, did when he drew the plan of a government for the State of South Carolina, in the first settlement of that State, give to one class among them, *twelve thousand acres* of land; to another class, *twenty-four thousand*; and to another, *forty-eight thousand*;—while the great mass of the population should receive nothing?

Would they not consider the island in question, as *property*, and not only as *property*, but *common property*, to which each and every of them, had an equal right? In the compact, of which Mr. Paine speaks, as entering into the formation of every legitimate government, and which the islanders are now, by supposition, about to create with each other, would *property* have no consideration? Would it form no part of their discussions? Would it not in fact form the chief material of it? Would it not be a source of more deliberation, as involving deeper interests, than any and all other subjects, which could come before this little community? Would it not be ridiculous in them to

declare the rights of man, as regards life and liberty, to be unalienable, and as to property, say not a word about it? Would they not know, if they knew any thing, that never yet, for any considerable time, was life and liberty held and enjoyed by the rightful owners, when they had no property with which to protect and defend them? Would they not, in the first instance, at least, if division were made of their common property, make it equal, or as nearly so, as might be in their power? If division were not made, but it was agreed to be held in common, would not care be taken, as much as in them lay, to afford to each his equal share, of the results of the common occupation?

Answers to all these questions, present themselves spontaneously. Throughout the wide extent of the Globe not a single individual can be found, who would not give them in the affirmative. How is it then, that a writer so sagacious as Paine, and so disinterested in all that he ever wrote, should have committed such a blunder, as that of attempting to erect an equal government, upon a foundation where inequality had already found an existence; and that without attempting to extirpate it; on the contrary, taking measures to perpetuate it, by confirming the altogether untenable position, that *what a man has is his own*? Surely the absurdity is as great, in a man, who contends to preserve *inequality already existing*, as he who proposes to create it for the first time. And in

this respect, Paine and Locke, equally deserve to be held up to mankind, as singular instances of errors, which the greatest of men may be led to adopt.

Those who know any thing of Mr. Paine, know that he did not want intrepidity and boldness of character, sufficient to have taken higher and more tenable ground than he did had he discovered it to be practicable. He was no man for half-way opinions in theory, or half-way measures in practice ; because he had good sense enough to perceive that an object is more easily and economically accomplished, when all its features are clearly seen and understood, than when they are partially visible, and perhaps confounded with something which is altogether foreign to the question.

It may not be altogether unprofitable, to examine, where the source of his error lay. On looking over his political writings, it will not be found difficult to discover it. In the first part of his " Rights of Man," written in 1791, pp. 64 and 65, of the 2nd volume of the Works before referred to, he has the following passage ; to wit :—

" It has been thought a considerable advance
 " towards establishing the principles of freedom,
 " to say, that government is a compact, between
 " those who govern, and those who are govern-
 " ed : But, this cannot be true, because it is put-
 " ting the effect before the cause ; for, as man
 " must have existed before government existed,

“ there was necessarily a time, when govern-
 “ ment did not exist, and consequently, there
 “ could originally exist no governors to form
 “ such a compact with. The fact therefore, must
 “ be, that *the individuals themselves*, each in his
 “ own personal and sovereign right, *entered into a*
 “ *compact with each other* to produce a govern-
 “ ment. And this is the only mode in which go-
 “ vernments have a right to arise, and the only
 “ principle on which they have a right to exist.”

For myself, I find no difficulty, in both agreeing and disagreeing with Mr. Paine, in the positions, or some of them, at least, here laid down. It must certainly be true, that “ man must have
 “ existed before government existed ;” and it is equally true, that where government exists, governors must exist also. And yet I am ready to say, what he declares cannot be true, that government is, or rather may be, a compact between those who govern and those who are governed. Thus, when “ each in his own personal and sovereign right,” to use Mr. Paine’s own words, “ *enters into a compact with each other,*” for purposes common to the whole, a government is formed, consisting of the compact, and nothing but the compact. *As to the manner of its exercise,* that is quite another affair. Thus, in one case, each and every individual party to the compact, may from time to time, meet in full assembly, to deliberate over their affairs, and to make such disposition thereof, as they shall think proper.

In such a case, a government would not only exist, but be in full operation. If I am asked, who are the Governors : I answer, the whole Community, in their aggregate or collective capacity. If I am asked, who are the Governed, I answer ; the individuals who compose this community, in their separate or single capacity. The question, of the existence, or the non-existence of a government, I apprehend, is not to be determined, by deciding, whether the public concerns of a nation, are managed, by all the individuals who constitute it, in their own proper persons, without agency of any sort, or otherwise. And, herein, seems to have been Mr. Paine's great mistake. He seems to have considered all people as being destitute of any government whatever, who had not agents or proxies to act for them. He seems to have overlooked the only *object* of compact, which is to create a *public will*, and a *public will being created*, and being brought into practical existence, *no matter how*, whether by authorized agency, or otherwise, government has commenced, and operates on the governed, and, of right also ; on all subjects, which, in their nature, are of common possession.

Mr. Paine observes that " man must have existed before governments existed." May we ask how long? Perhaps for half an hour. Thus, in this first period of human existence, two men may have arrived at a spring of cool water, thirsting, and desiring to quench their thirst. They enter into

a treaty as to which of the two shall drink first. So soon as it is consummated, a government is formed, even though it be to expire the next moment. If there happen to be three instead of two, and two of these determine who of the three shall first partake: here also a treaty, a government is formed, deciding, by majority, as perfect in itself, as far as its object extends, as any government that can be conceived. And it is evident enough that it should be so; for, as the water itself is of common right, and incapable of being exclusively appropriated to either, so also is the chance or opportunity of first participation; convention or compact must settle this latter question; and when it does, it performs precisely the same function, as if agency, for a hundred thousand beings having the same rights as those which belong to the two or three individuals, I have mentioned, had selected the same person, and given him the privilege of priority.

It may seem that I am more elaborate in my efforts to explode what I conceive to be error, on this point, than is necessary. But as Mr. Paine charged Mr. Burke with not going back far enough into antiquity, in search of principles, it became him, as he did, to exert himself to substantiate the charge. If I now make a similar charge against Mr. Paine, it becomes me to do so too. Besides, with us, as with them, the errors I combat are the errors of the age, and of course are supported by the best talents which the age affords. It is no ordinary refutation which these errors de-

mand; since, if principles of government are derived from *periods of time and conditions of things*, not so remote as we have, or may have, access to, we are in danger of incorporating false principles into the political edifice, and of endangering its utility and duration.

Mr. Paine was not alone in the error of these views. Mr. Jefferson, to whom I return with respect and affection, for the services he has rendered to mankind, besides the omission, or perhaps equivocal admission, of some of the rights of man, in his Declaration of Independence, has shown, in a much later work, his deficiency of *accurate* knowledge of the true principles of government.

In 1812 he prepared, for the use of counsel, in a suit, in the Circuit Court of the United States, for the District of Virginia, in which Edward Livingston, of the (then) territory of Orleans, was plaintiff, and himself defendant, a work published by Ezra Sergeant, of New York, entitled "The Proceedings of the United States, in maintaining the Public Right to the Beach of the Mississippi, adjacent to New Orleans, against the Intrusion of Edward Livingston." In page 30, of this work, I find the following passage:—

"That the lands within the limits assumed by a nation, belong to the nation, as a body, has probably been the law of every people on earth, at some period of their history. A right of property, in moveable things, is admitted before the establishment of government. A separate property, in

lands, not till after that establishment. The right to moveables is acknowledged by all the hordes of Indians surrounding us. Yet, by no one of them has a separate property, in lands, been yielded to individuals. He who plants a field, keeps possession till he has gathered the produce; after which one has as good a right as another to occupy it. Government must be established, and laws provided, before lands can be separately appropriated, and the owner protected in his possession. Till then the property is in the body of the nation, and they, or their chief, as trustee, must grant them to individuals, and determine the conditions of the grant."

Mr. Jefferson's criterion, it appears from the above, for ascertaining when governments begin, is the time when the nation makes private property of lands. Mr. Paine's, when the functions of government are exercised by agents, or governors appointed by the people to act for them. Neither of these criteria give *me* any satisfaction. In relation to Mr. Jefferson's opinion, I do not understand why a government should be considered to exist, when lands are permitted to be made private property of; and *not* to exist, when every thing that is moveable is in the same situation. Besides, inasmuch as I am told, in so many words too, "A right of property, in moveable things, is *admitted* before the establishment of government;" may I not ask, who it is that admits? Is it not the government? Is it not the common consent or public

authority? Who else has the power? Not a fragment of the nation less than a majority. And if it be a majority, then is it the nation to all intents and purposes. It will hardly be contended, I presume, that there is any other body in existence which has any concern in this affair.

But Mr. Jefferson tells us, that "government must be established, and laws provided, before lands can be separately appropriated, and the owner protected in his possession." Why so? He has told us, personal property is secure without the assistance of what he calls government. Why may not lands be so too? And the *use* even of *these*, for a single season, according to his own showing, is entirely secure. I shall be told, perhaps, that the possession of personal property would be vindicated by the valor of the holder. Would not the same thing happen as to land? No, some one will be prepared to answer, if it be given in perpetuity; numbers would expel the proprietor, by superior force, and government must therefore exist to interfere and protect the proprietor. Why is not this same government necessary, to protect the *personal* property of the holder? His tenure of it also is perpetual; and numbers can be brought to bear on him as well as on the holder of land. So also may superior numbers drive off him who cultivates a field even for a single season. But in both these latter cases, we find that force, to obtain which Mr. Jefferson conceives that there should exist what he calls government, is altoge-

ther unnecessary among our Indians, and other nations in a similar situation. Why is this? How is it to be explained?

Simply thus.—The personal property is *so equal*, and the benefits they derive from the *use* of the soil *so equal too*, that there exists no motive to combination of numbers for the purpose of dispossession. Force, therefore, can never be needed. And when government shall be so constructed as to make property real and personal, in the fullest acceptation of the word, as nearly equal, as we see it among the Indians; and still be able to make lands private property much in the same way that moveable things are now; then shall we see governments exerting their functions, simply by indicating their pleasure, and not by exerting force. They will have only to say what they wish, and it will be done. — If hitherto we have never seen governments acting in this way; if all institutions of the kind have been obliged to resort, more or less, to arbitrary force, it is because they have been made on principles which did not conform to the “unalienable rights of man, to life, liberty, and property.”

If, to what I have said, it were necessary to add any thing more in favour of my own views, *as to the time* when governments are to be considered as being in existence, I might appeal to the very first paragraph above quoted from Mr. Jefferson, where he says, “That the lands within the limits *assumed by a nation*, belong to the nation as a body,

has probably been the law of every people on earth, at some period of their history." The very act of a number of individuals, sufficient to constitute what may be called a nation, after voluntarily consenting to associate themselves in one body, I say, the very act of accepting the lands within such limits, (or what is the same thing, *assuming* them, with the consent, express or implied, of other nations) is, (not sovereignty) but an *act* of sovereignty, which originates from their collective character, and which acceptance it is perfectly competent for them to signify, either, as said before, in their own proper persons, or by an agent or agents selected by them for such purpose.

In all that I have urged on this subject, I have not had it in view to play the critic, as to the propriety of the use of this or that term, in preference to another. All that I have desired, is, to come at the truth ; and, if I can establish it, to be allowed to say, that governments have existed as long as man has existed, in some form or other ; and to some extent or other ; sometimes scarcely discernible, and at others occupying such a portion of our mental vision, as almost to put it out of our power to recognize the two extremes of their existence. I trust that I have succeeded ; that it is apparent that nations are governments, and governments, nations ; that they are in fact convertible terms. If it has happened that writers of great celebrity, have supposed, that there are nations, which have no governments ; no legislation,

it is because there was *so wide a difference* between them, and those which had been most the subject of their contemplation, in their *forms, extent, purposes and powers*, that they were ready to conclude, that the one was every thing and the other nothing. But we should remember, that legislation, the function of government, is capable of being exercised in more ways than one ; and that it is as much entitled to be considered as indicating the existence of government when it deliberates on the disposition of a grain of sand, as when it exerts its labors over the destiny of a hundred millions of people.

CHAPTER III.

On the duration of the Rights of Property.

IN the discussion of the rights of property, in the preceding chapter, there has been necessarily much of argument, of a negative and correlative character. It seemed essential, to a right understanding of the subject, that the discussion should tend to show what was property, by shewing what it was not. (It may be asked ; may not a man expand his lungs and inhale the air ; may he not open his eyes, and enjoy the light ; may not his body occupy the space which it actually does ; without any necessity to suppose the existence of legislation ? Most certainly. These are functions

necessarily attendant on individual existence—and are enjoyed alike by all ; *and herein too consists their equality.* They are in the nature of the rights of *persons*, and do not, of necessity, hold any relation to the rights of property. They are as much entitled, so to be considered, as, what I may call, my negative right, of not being injured by another.) About all these there is no dispute. Mankind are all agreed on these points. No controversy exists, and there is no occasion to argue the matter further.

But, as to the possession of the soil and the materials of the world, or rather as to the *right* of possession, there is much dispute. It is this question which is to be decided. And, in order that it may be decided, correctly, it is proper for me to have shown, as I think I have done, that *possession*, *occupancy*, or *labor*, superadded, have not the faculty of conferring right ; and for two obvious reasons ; 1st : because rights exist of themselves, without being created or conferred, have always existed—and always will exist : since no one, of right, can destroy them ; and 2d, because possession has no right, unless it be accompanied with the *consent* of those to whom the property belonged ; *having* this, it is altogether useless to endeavor to derive title from possession : and *not* having this, any supposed title is good for nothing. Any possessor of property, therefore, who should be foolish enough to undertake to derive his title to retain possession, merely from the fact of its

being found in his hands—rather than from the consent of the community, would place his tenure of it, upon a very insecure foundation. For if possession is to give title, the act of fraud, or larceny, the violence of the robber, or a licentious mob, might soon confer as good a title to it, on another, as himself possesses. It becomes all then, to be very careful how they resort to such a source for title. If they can find no better, they may soon be without any, and they would then wish they had not looked to that which avails so little.

As it regards my habit, thus far, of contemplating the *materials* of the world, and these only, as property—I will only say, that, when government, or society, or legislation, or whatever other synonymous term, we may make use of, shall give me marble, for example, as a material upon which to exercise my industry, at as cheap a rate, as that, at which nature has furnished it, that is, for nothing ; I shall have no particular objections, *then*, to call the *labor*, which I shall bestow upon it, in converting it into a statue, by the name of property ; though I should still be of opinion, that *the material* only deserves the appellation, the labor, skill &c. being the result of *personal* faculties, and only increasing its *value*. Both the material and its value being mine, (the one by way of my original right to property—the other by right of person) makes it a matter of little consequence what is the *name* we call them by, so that I do not lose

the substance, through any misapplication of terms.

I am as much averse to refinements, as any body, especially unnecessary refinements in discussions which ought to be, and in their nature are, of very easy comprehension. But I have been driven into an indulgence of them beyond my wishes, by the clouds of error in which I have found the subject enveloped, and, in self defence, have been obliged to depart from a plainer course, than I had intended to pursue.

Besides, it will be seen, that my view, of the best application of the industry of man, is a separate, single, and exclusive application, such as that which now prevails; an application, that looks for his own individual welfare, almost exclusively. So far, therefore, as regards this industry, it never entered into my contemplation, nor does it now, to allow, in any theory of my own, that the government should take its management under their control, or in any way interfere with it, other than as the prosperity of the whole may require it, in relation to commerce with foreign nations. In the very nature of things, I take it to be a truth not to be controverted, that each individual knows better how to apply his own industry, his own faculties, advantages, opportunities, property &c. &c. than government can possibly do; that, therefore, the aggregate result of all these applications, will be much greater, when each is suffered to go on, in his own way, undisturbed, and

unmolested, than if the sovereign power should direct the mode of employing the industry of each individual. And the reason is obvious enough. The sovereign power, before it can be able *to know* what would be the best application, must receive its knowledge by communication from all the members; and before this can be done, the occasion will often pass away, which rendered instructions from the Public Authority necessary. Time and labor, therefore, will be lost, which otherwise would have been saved. And the larger any community is, both as to number and territory, the more injudicious would such a system be.

As, therefore, I did not contemplate that the direction of the industry of the individuals of a community, should come within the limits of their power, except in so far as necessary and useful Public Works, such as Roads, Bridges, Canals, &c. were concerned; it was not necessary for me to examine the the subject, any farther than to afford each individual, his equal share, of the materials of the world, on which he dwells, that he may have whereupon to exert his industry, in the pursuit of his happiness.

This, then, is the extent of my object. In some shape or other, this share or proportion must be obtained; and it is proper to continue to obtain it, in such a manner as to afford the least disturbance, and least destruction to the industry of the existing generation. Such is the quality,

which any new system, ought to possess, which it may be proposed to introduce.

But there is an imposing obstacle, in the way of accomplishing the introduction of any such new system. This consists in a very general misunderstanding of the term, or duration, of the rights of property. They have been conceived to have a longer existence than is actually due to them ; and this it will be seen, I think, in the future progress of this work, has been a very prominent and active cause, of the enormous disparity, in possession, or wealth, which now prevails throughout the world. It is an important question then to answer. *How long does a man own property ?*

Let us begin an investigation of this question, in as elementary a manner as possible.

If a world like our own, were made, and there was no inhabitant for it, it could not be property ; for, before there can be property, there must be a proprietor : some one to own it.

If such a world were made, and only *one* inhabitant placed upon it, then would it be property ; and the whole of it would be his. There would be no occasion to say a word about rights ; he would possess all, in himself, there being none to share with him. If his existence, and that of the world, too, was perpetual, he would own it in perpetuity. He would own it for ever. If he could live only a limited period, he would own the world for such period, and no longer. When he ceased to exist,

he would cease to possess or to own, as much so much so as if, he being yet living, the *world itself*, were struck out of existence. For it is quite as possible for a man to own, when there is nothing to be owned, as it is for him, *who once was*, but who is not, *now*, to own that which does actually exist. *Either* ceasing to have being, the existence of that *relationship*, between owner and owned, between possessor and possessed ; which we call property, ceases also. It cannot survive the dissolution of that relationship, which constitutes its only feature. His right over the earth while he lived, would be perfect and entire ; when he died, his right would die also. For when he is dead, he is nothing but inanimate matter ; nothing but dust, which even the winds of Heaven may scatter where they list and which no being short of Omnipotence is able to gather together again. Dust cannot be the owner of dust. It is being, endowed with intelligence, that is capable of owning or possessing. *Mind*, is its essential requisite. One tree cannot own or have property in another. When mind is absent, there is no proprietor. When matter is absent, there is no property. Matter cannot own matter. It is perverting every thing to suppose such an absurdity.

May not the being, it is asked, who has once owned property, and is now deceased, have his wishes gratified, by having such disposition made of that which was once his, as he may have desired in his life-time ? I answer, no ; unless he

created it ; unless, indeed, he brought it into existence with his own hands. And on such a supposition might *I* not ask, what kind of a creator would he be, who should create a work, that would outlive himself ? How much more reasonable is such a wish than that of the reptile who should have crawled over a fine block of marble in the course of its life-time, and therefore should have desired to dictate its future destiny ? How much more reasonable is man ? Destined to have only a short existence on this globe, which *certainly* he has not made, what is he but a tenant at time, who when, his lease of life expires, must resign all pretensions to interfere with, or control his successor, if there is to be one ? And if there is to be no successor, of what use is it to contend, that such and such a disposition, shall be made of what was once his property, when there is no one to carry it into effect ? Besides if the supposed single owner of the globe, on the supposition that he is to have no successor, is incapable of owning after he is deceased, for such is evidently the fact, since matter cannot have property in matter, why should he be supposed capable of owning, when it is known that a successor is to appear ? Does a successor bring into the world any rights but those which belong to himself ? Does he confer rights also, on him who has once been, which he could not have had without the appearance of such successor, and that too, to the prejudice of him who confers ? Are the predecessor's rights made more, and the suc-

cessor's made less, because both have lived, and lived at different times? If the predecessor could, of right, have had no disposition made of that which he once owned, in the event of there being no successor ; could he have such right, in the case a successor should appear ? To say that he would, would be to say that he had power over the destiny of his fellow-being, coming after him, when if he had lived at the same time with him, he would have had none at all.

Besides, let me ask, as the successor, on the supposition that there is to be one, is precluded, by absence, from disturbing, or in any way interfering with his predecessor ; why, when the latter is absent, that is, when he is deceased, and no longer in being, why should *he* be allowed to interfere with one, who did not, and could not trouble *him* ? Was it not enough for him, that he enjoyed his term of life, as to him seemed good ? that he wrought when he pleased, and rested when he chose ? That he added value to the materials of nature by his labor and his skill ; and destroyed it again, in the satisfaction of his own wants ? If the fruits of his industry increased beyond the amount of his consumption, whose fault was it but his ? Besides, if the world is not a desert or a wilderness when he quits it, as perhaps it might have been when he found it, does it *grieve* him, that he cannot reduce it to that condition again ? And having run the career he chose to run, is it unreasonable that his successor should be allowed to do so too ?

Besides, admitting, a moment, that this first possessor of the earth, had a right to order any given disposition of it, how has he acquired the right over his successor, to compel him *to execute it*? And suppose him to have the *right* to compel his successor to execute it, *where is his power*, in case of disobedience? And if he have no power, may I not ask, what sort of a right is that, which has not power to support it? It is not so with rights among men. All the rights they have, *they have power* to support. They may not always *see*, exactly, how far their rights extend, but when they do, there is no power able to deny them their enjoyment. But it is not so with the rights of dead men. They are a nullity. They are a mockery of the human understanding.

Again, let me ask what is the *purpose* of this posthumous dominion over property? Is it to give pleasure to the dead? They cannot feel. And besides if they could, such pleasure might be more than compensated by the pain of the living. Is it to avert any calamity, or procure any blessing during life, which otherwise could not be averted or procured, that he should enjoy this dominion? This is not possible, for no effect of this dominion is to happen until its possessor has ceased to be capable of any sensation of either suffering or joy. Is it to gratify vanity by enabling him to say "Such is the property I leave you?" Generous man! I would reply, who leave behind you, what you cannot carry away with you! As much is your

generosity to be admired, as the criminal's on the gallows, who, when he is just about to be executed, declares he is determined to commit murder no more !

But, perhaps I shall be told that this supposed first occupant of the globe not only desires to leave it, but his wisdom and experience also, as a legacy to his successor. All this is very good ; but where it is *made imperative*, on any one, to receive wisdom and experience from another, there is very great reason to doubt whether what is called by those names, deserves to be esteemed as such. It may be the height of ignorance and folly. And if it is not made imperative, then it loses the character of a *will*, and assumes that of a simple request, which is the most that should be desired. But even this request made to the successor, to profit by the wisdom and experience of his predecessor, is altogether as unnecessary as it is impertinent. Whatever of profit is to be gathered from such a source, is open to him, and his self-love will stimulate him to avail himself of it ; he will add it to his own acquisitions, and then it may safely be calculated, that the wisdom of the latter is greater than the former, since he possesses the sum of both. It will be evident, then, that the successor is to rule, during the period of his own existence, even on the score of being better qualified to do so. In this view, then, the right, as it has been called, of making a *will*, of directing how property should be disposed of after death, is without foundation.

For the sake of argument, and for the purpose of canvassing the merits of this question with the utmost severity, let us admit that the wisdom of the two persons, now under consideration, is equal; still, as the case admits of other successors, who have also their equal rights, (rights be it said, too, which *cannot* interfere with the predecessor) these latter would be infringed, if a single individual, merely from the circumstance of prior existence, could overrule what belongs to them, each in his own proper time, as much as it did to the first of the race. For, here, as every where else, it is the first law of justice, that the wish of a majority should prevail over that of a minority; and such a law here cannot be violated, without making one man a monarch over all who succeed him, to the end of time.

Hitherto I have treated this matter as it had reference to the power, I mean the *right* of power, of the first possessor of the world, over his successor or successors. Let us now examine it in an inverse order. If it has appeared that such possessor cannot confer rights, to have force after his decease, on a being who comes after him, may we not say, even if such successor should happen to *think* to the contrary, that he cannot and does not receive them? That which cannot be given or granted, cannot be taken or received. The one implies the other. They cannot exist separate. If one falls, so does the other also. It does not mend the matter, that the person supposed to re-

ceive *believes* that he receives, from some validity which he imagines to exist in the will. For rights are not founded on deception; on self-deception, any more than on any other deception. They exist of themselves, of a necessity which it is not possible to evade. To man they belong, in consequence of his being. They are his, because he lives, and because they are necessary to him. When he perishes, they perish with him, inasmuch as they are no longer useful to him, and inasmuch as, in the act of perishing, he returns again to the condition of inanimate matter, which has no rights and can have none; for rights can belong only to living beings. Besides, if deception could give rights, when we speak of the successor or successors, why should it not give rights when we speak of their predecessor? And if it were to be admitted, what consequences might not follow? For example, such predecessor might *imagine*, contrary to what I trust I have amply shewn, that the world henceforward, forever, was entirely at his disposal; that whatever he ordered must take place. Might he not then say to his successors?

“ Touch not these premises! I will that this fair domain of nature, on which I have taken my pleasure, shall remain to the wild beasts, and to the fowls of Heaven; that no human being shall exist upon it; and that he shall be driven away so soon as he shall dare to intrude himself upon it.”*

* Altered from Barlow's Address to the privileged orders. p. 31.

Would such a destiny of the earth, be considered as the emanation of human reason? If not, why then should *power* be given to create such a destiny? And if not *such* a destiny, so flagrantly unreasonable, why *any* destiny, however *little* unreasonable? Let no ingenious sophist, spreading his web to catch human rights, pretend, that even as now organized, governments do not fail to take judgment of such wills as emanate from minds which they deem insane, and to declare them void. It is right that they should; but it is also right to correct errors of judgment, which in common acceptation, do not amount to insanity, and pronounce *them* void too; for every species of injudicious exercise of the power of the testator, is a species of insanity, and it is competent to the community who survives him, *and who alone have any interest in such exercise*, to remedy it, and it is their duty to do it. In order to do it effectually, it is requisite to supervise every will, and wherein it does not conform to the best interests of the living, for they are the judges of it, and the only party interested; or where it contravenes those interests, to render it null and void; and to supply the deficiencies, created thereby, in such manner as to them shall seem good. Wills, under such circumstances would be a nullity; and the next step to be taken, would be, to declare that they should not be made at all.

It is evident, then, that what cannot be given, cannot be received; that what cannot be received,

cannot be retained, but must be given up, to the rightful owner, whenever he shall appear to claim it. Just as the innocent holder of stolen goods, (holder, perhaps, by inheritance) must give them up to the lawful owner, and bear the loss, or seek his remedy, if there be any to be found. If a part only is illegally held, such part only is to be surrendered; the rest retained. There being no right to retain by force or fraud, that which does not belong to the retainer, punishment is due to those who are guilty of such an act.

It is apparent, then from all I have said, that there is no such thing, in a correct consideration of the matter as *testator*, *will* or *heir*; that they are mere fictions of the law; and whether meant or not meant, have had, and ever will have, as long as they shall be suffered to exist, the effect to transfer property from him who has the just and true title to it, to him who has not. If they were not mere fictions; if the power of making a will was a reasonable and natural power; then the son of a soldier, might inherit his father's courage; the son of a poet, his father's inspiration; the son of an artist, his father's skill; the son of a statesman, his father's political talents; and the daughter of a woman, her mother's beauty and accomplishments. Nay more; the daughter might inherit, since she has also the same father, the qualities allowed to the son to inherit; and the son, since he has likewise the same mother, might inherit the qualities ascribed to the

daughter. Nor should we stop here. For if the *good* personal qualities of parents, could descend to the children, so would their *bad*; and we should not fail to see it happen, that when a son inherited an estate from his father, he would often also inherit *a rope about his neck*.

It is true I have considered the question, only, with reference to the possession of the earth, by a single individual, at a time; and yet, such are the multitude of absurdities, enormities, and acts of injustice that would result, by admitting the principle that property should be subject, in any degree, to any disposition, decreed or desired, by its former possessor. We are yet to see, whether the matter would be in any measure different, if, instead of there having been placed upon this globe, only this one inhabitant, the number should have been sufficient to compose the population of many nations.

I shall, without further trouble, suppose this number to be divided into as many separate nations, [as to them is agreeable; and that they have also, with like good will, apportioned the entire surface and property of the earth in such a manner as to be as nearly equal as they can make it, and to be satisfactory to all.

Now let us take any one of these nations, and apply the reasoning which I have used, with regard to the single possessor, so far as it may be applicable, and so far as it is not, supply the deficiency in such way as circumstances shall require.

If the population of the nation chosen for illustration, be supposed to be immortal, and that there are no more to come among them, the duration of the right of property, *as a nation*, would be eternal. If there be any reason to controvert this, it will be, that the division of the earth just supposed to be made among the nations, turns out afterwards not to be equal. In such case, it must be admitted, the nations collectively, would have the power to establish equality; and to re-model any appropriation of property to any nation, until this object should be accomplished, or so nearly accomplished, as to amount to a matter of indifference, whether any further attempts to obtain it were made or not. When such equality was established, although the nations jointly, would have, undoubtedly, the *right* to cause the different nations, to change locality, at such times as might be ordered by themselves; yet as no advantage could, and much disadvantage would, accrue, by such change, there would be no inducement, to order it, and, of course, it would not be done.

Here, as the nation is supposed to be immortal; so also are the individuals; and, of course, there can be no exercise of the power of the will.

Let now our nation remain the same, except that they die at no distant period, and that they have successors.

They would have a right to use their property in common. They could agree *to labor* in common. They could so order it, that no individual should

pluck an apple, without public permission, nor have it without charge. They might thus go on, and expend the term of their existence. It would be perfectly competent to them to adopt such a method of enjoying the property assigned to them, by their sister-nations. Whether it would be the most judicious, and profitable method, is another question. But, deciding upon adopting it, no one could question their right to do so.

Let us see how our previous deductions with regard to the power of wills, will apply here. We have shown that an individual possessor of the world, (and if it were only a portion of it, it would be the same thing,) cannot bestow it, when he is no more. When a nation dies, it is in the same situation : for neither itself, nor the individuals composing it, have power to bestow, to have effect, after they cease to exist. For principles are not changed by any multiplication of the number of objects or persons to whom they may be applied. Justice is the same, whether it be applied to hundreds, or to thousands, or to millions, or to no one. Besides, here are some new problems to be solved. I said than an individual, by permission, might pluck and eat an apple. In its consumption, it would perish, and we should see it no more. But this would not be true of every thing. An arrow, or a bow, would be obtained by permission of the same authority, but it would not perish in its use. It would remain, and might survive its proprietor. It would be his, because obtained of the proper authority ;

and because such authority has given it to him, in virtue of his equal right with them. If we allow to him the right of giving it away, when he is about to die, why not allow him also, to give away his undivided portion of the soil; his undivided portion of any other property which is common to them all? As it might be among us; when a man here, is about to die, why not permit him to will away his portion of the Grand Canal? Of all our public roads and streets?—Even of our very lamp-posts? These latter, too, being divisible, on the principle that wills are valid, ought certainly, and might easily be specifically devised. Surely no one will pretend to say that the testator has no property in any of these. He most certainly has, for they have been paid for with (what he considers, and what is generally considered) his own money. It is true it is not in the nature of Bank-stock, for he receives no certificate, no scrip, farther than a receipt for payment; but in every other respect there is no difference. If this be denied: if it be said, that he has *already* given it away to the public, and that it is, therefore, out of his power to give it again; I ask, who are the public? Is he not one of them? Is he not one of the community? If so, he has, at least, given some portion to himself. He is at least an *equal* owner with his fellow-citizens? Nay, more, according to the prevailing rules for measuring the amount of property belonging to different owners, or claimants, he is a greater owner, inasmuch as he has contributed *more*, than many of his

fellow-citizens. Nor is it to be said that it cannot be willed away, with propriety, inasmuch as it was given for the purpose of making the testator's other property more valuable. For, may not this testator, having a farm, will it to A, and at the same time, give to B. the fences thereon, or a tree or trees? May he not separate and divide his property as he shall think fit? If he may not, he is circumscribed in the exercise of his rights, and if he may be circumscribed at all in this respect, he may be deprived of them altogether.

As the matter now stands, then, if testators are prevented from willing away, (and that too, every day, forever,) even our very lamp-posts, it is because the governing authority has determined, as far as this description of a man's property is concerned, to be the heir of the dying man. If wills are sacred: if they exist in matter of right, at all, why is this suffered to happen? Why will not the public authority, on any principles which may be agreeable to them, ascertain how much of this canal; of this road or street, or how many of these lamp-posts &c. &c. belong to the dying man in question, and inform him thereof, that he may make disposition of it, as he would of any other portion of his estate? It is no answer, to say, that they are not divisible; at least their *value* is; and whatever the dividend of the dying man should be determined to be, the Public Power should provide it, and place it at his disposal. It should either do this, or renounce wills altogether; for otherwise, it is not possible to be consistent.

But, conclusive, against the propriety or justice of the power of making wills, as this train of reasoning will probably appear to the candid reader, the subject is still capable of a more rigid, and, as it were, a mathematical mode of treatment; such that no man, after having understood it, can possibly have a moment's hesitation in renouncing it forever.

The positions taken by those who defend the validity and the justice of the power of making wills, seem usually to be these:

1. That men *acquire* property by their industry, economy, and skill:

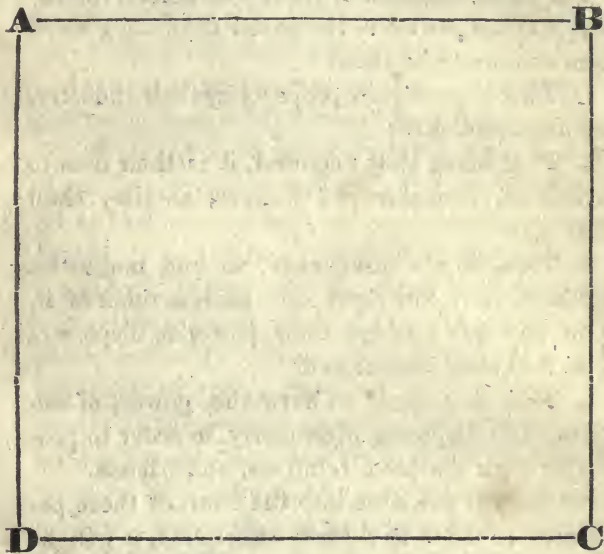
2. That being thus acquired, it is their own to dispose of, henceforward forever, as they shall think fit:

3. That, as a consequence, no one, majorities or others, have any right to dispossess them of it, or in any way abridge their power to dispose of it, as they shall desire: and

4. That they *ought* to have this power, of acquiring and disposing of property, in order to provide for their children, relatives, and friends.

Let us now examine into the truth of these positions. In order to do this effectually, it will be necessary to go back to the first period of man's existence. What shall we find there? Nothing but one wide common; a wilderness, on which man, for the first time, has imprinted his footsteps. Of course it belongs to all equally. It is an undivided property, in which each has equal right; and no

one has title to any specific part, or to a proportion, greater than any of his fellows. Let this undivided common be represented by the following diagram, in the shape of a square, since shape is immaterial, denoted by the letters, A, B, C, D. To make the application of arguments to this diagram, free of captious objections, let it be supposed to represent the whole world.



Here, then, we have the whole world before us, and the supposition is that there is a race of beings present, ready to occupy it. How does it appear, that these beings have *acquired* this property? Is it meant that the mere act of occupying, or rather, of being present upon it, is an act of

acquisition? This, surely, cannot be possible. For even this act is not their own. It is not they who have placed themselves upon it. They have been placed there, by a Power, or by a Necessity, which controlled them, and the property they claim, with a force, which, if they were even to desire it, they could by no possibility resist. How then, is it possible, in the origin, at least, of property among men, to say that they *acquire* it by industry, economy and skill? Surely, none of these are requisite, in order to place them in possession. The truth is, the origin of all property, in the sense in which I use the word, is very different from this. It is a gift from the Divinity, if there be such a Being, who has made the world and the creatures who inhabit it. It is obtained without the act or deed, of any kind, of those who receive it, and is altogether extraneous and independent of them. (Being a gift, as it undoubtedly is, to the whole, in their collective capacity, it belongs as much, if any such there be, to those who are without industry, as to those who are industrious; to those who are prodigal, as to those who are economical; and to those who are destitute of skill, as to those who possess an extraordinary share of it.) These distinctions, in truth, do not show themselves among men, in this early stage of their existence; but are the result of the subsequent organization of human society. Men, therefore, who resort to the use of them, in discussions of the rights of property, such as now

engage us, should not fail to see, that when they do so, they do not ascend to the origin of things, and are, therefore, very much in danger of not understanding themselves, or the subjects they discuss.

In the first entrance of men, into the possession of the property of the world, it is evident, that they *acquired* nothing, either by industry, economy, skill, or other quality or process, save that of gift from the Being who made all. It is apparent, therefore, that all pretensions to the right of making a will, on the ground of *acquisition*, fails, and must fail, so long as men choose to retain their common property in an undivided state. For, being undivided, what is the particular part or portion, which any one may undertake to will away? *He* has no authority to say what it shall be; and the majority do not choose to name it. For him to say, as he is about to die, that he wills away his undivided portion, to a certain specified being, would be saying nothing; for this latter would also have, on his appearance on the stage of life, the same undivided portion, as well without this will, as with it; unless, indeed, we make the inadmissible supposition that the people first occupying the globe, should forbid the existence among them of any other beings than themselves. But this is not to be admitted, since, besides being contrary to the uniform and invariable history of mankind, without a solitary exception, it is altogether incompatible with the rights of those who

appear at periods of time subsequent to their own.

It will be said, perhaps, that although the soil, in consequence of its remaining undivided, and being held in common, is not subject to be disposed of, by will, by individuals; yet that moveable property is not in the same condition, but may be bestowed by way of legacy. But it depends, still, upon the pleasure of the community, whether even these shall become personal property. If the majority determine, that every thing moveable as well as immoveable, shall be common, as they have the undoubted right to do, even to articles of dress; then would there be no subject upon which wills could be brought to act; and we should see, in every instance, that the power of making them, is one which can have no existence, in the original and natural condition of man. Contrary, therefore, to prevailing ideas, it is palpable, that the power of making a will is altogether unsupported by nature; that it is the result of the invention of man is wholly artificial, and capable, when society shall deem it to be pernicious to its happiness, of being totally destroyed and banished forever.

So far then, as wills are vindicated, on the ground that those who *acquire* property, by industry, economy, and skill, ought to be allowed to convey it to their children, or other legatees, we see that such vindication is without any avail; since it is clear, that no such acquisition, in the

first and most natural organization of human society, can ever take place.

It remains to be seen, how far a parent, cut off, as we see he is, of the power of making disposal of property, after his death, for the benefit of successors, can make a similar disposal, *before* his death. This will, of course, include the case of providing for children, during their minority, and it is to this period, that I wish more particularly to confine my remarks. It may be objected, perhaps, that this does not apply to wills ; but it is evident, that property given to children or others, before the death of the giver, is only a will by anticipation ; and it is not the less so, that the receiver may be yet in his minority. But, in the case before us, where even the father has nothing which he can call his own ; nothing which he can separate from what belongs to his fellows and his equals ; how is it to be said that he can give to his children ? And if he has nothing, which he can say, is his, of what use is it to say, that he may give ? To say that the power to give exists, is, to presuppose that there is something to be given. And, on the other hand, if there is nothing to be given, it is certainly, as logical to conclude, that the power to give does not exist.

Those who think they have *acquired* property in the manner already mentioned, think, of course, that it is, therefore, *their own* ; and that they have, as a consequence, the right to dispose of it, as they shall think proper. By shewing that they have *not* thus acquired it, at least under one form of so-

ciety or government, into which men may organise themselves, I have shewn that, as individuals, they have no property at all ; but even if I had not so shown it, still the matter would be very little better. For, it is to be observed, such persons contend for the *right* of the power to dispose of what they call their property, on the ground that they ought to be allowed to give it to their children. But every one will see, on a moment's reflection, that if any property in question, be acknowledged to belong, to a parent, for example, it is *his*, of course, *and his only*. It does not belong to any one else, to a child or relative, to a friend or stranger. Such parent, therefore, inasmuch as he may do what he pleases, *with his own*, on such a theory of the rights of property, without any blame-whatsoever, *may starve his child to death*. It is into such barbarous absurdities, that men are driven, whenever they contend for such absolute and exclusive ownership of property.

But, in a state of society, in which all moveable, as well as immoveable property ; is held in common, let us examine the principle upon which support is rendered to the ascending generation, during their period of helplessness and non-age. If it is to be taken as a principle that the child is to look to its parent, and to its parent only, for support, then we shall not fail to see some appalling consequences springing out of it. This principle, of course, supposes that the child has no right of his own, to a share, equal or otherwise, of the common property. If it receives any, it receives

it from the *benevolence* of its parent. If this benevolence fails the life of the child fails with it. And that this is an event, very likely to happen, under a very possible state of the administration of the affairs of this great community of undivided property, it is very easy to prove. For, a majority of the parents in such community, may happen to have, for example, say three children only, to each family : the remaining part may have from three to twelve. Inasmuch, therefore, as the heads of families only are recognized in the government, it is plain, that each *head* of a family, for the use and support of all its members, would receive an equal portion of the spontaneous and cultivated fruits of the earth. If now it should happen that a diminished production of these fruits, should disappoint the expectations of this community, what is to become of the most numerous families? There might, perhaps, be enough to sustain, in comfort, the smaller families; and if there were *only* enough for this, those of greater number, must either suffer or perish ! Such is the consequence, the direct and certain consequence, flowing from the principle, that a child has no right to look for support to any one, but a parent ! And yet according to the absolute right of ownership in property, to which most men lay claim, even this reliance of the child upon the parent, is not to be accorded to it, since it is incompatible, as I have already shown, with the existence of such absolute right !

If, however, the government should distribute to each family, in proportion to the number of its members, it would be to disavow the principle that a child is to look to its parent for support, and to declare that its claims rested upon the community. And this places the reliance where it ought to be, upon the *rights* of the being receiving support, and not upon the *benevolence*, of parents or others. These latter are only trustees or agents, whose duty it is to give the support which the Public Authority furnishes. They have no right to withhold it, or falsely to say, that they give it. That these children have it in their *own* right, and not in the right of their parents, is evident, not only from this, that large families have more than small families, *in proportion to their numbers*; but also from this, that those children who have lost their parents, nevertheless have as much as those whose parents are living. I know it is not easy to refer, in history, to any nation, which has actually made common property of both moveable and immoveable things; but the truth of my observation is verified, by all history, in the condition of those communities, which come nearest to my supposition.

If, then, the power of making a gift or a will, does not belong to an individual, in a Community which holds all property, moveable or otherwise, in common; it will be well to enquire whether the same power is to be found in a community, in which nothing, or nearly nothing, is held in common, and in which, of course, every thing, or

nearly every thing, is held by a personal and exclusive tenure.

Let us take again, our square, the representative of our imaginary world, and under some modification or other, of the original and primary condition of man, make it wholly private property. Let the families, if you please, amount to one hundred, constituting, for argument's sake, the entire population of the human race at this period. Let the square E, F, G, H, be equally divided among these families.

E										F									
1	2	3	4	5	6	7	8	9	10										
11	12	13	14	15	16	17	18	19	20										
21	22	23	24	25	26	27	28	29	30										
31	32	33	34	35	36	37	38	39	40										
41	42	43	44	45	46	47	48	49	50										
51	52	53	54	55	56	57	58	59	60										
61	62	63	64	65	66	67	68	69	70										
71	72	73	74	75	76	77	78	79	80										
81	82	83	84	85	86	87	88	89	90										
91	92	93	94	95	96	97	98	99	100										
H										G									

I divide it equally, because I suppose it to be equally valuable in all parts of its surface; and because I take it for granted, that this Communi-

ty would not allow it to be divided unequally, if they understood their equal rights, without giving to those who might have less than their equal and natural share, some full and undoubted equivalent for the deficiency. As it is unnecessary to perplex the discussion which engages us, with any consideration of equivalents, they are, therefore, altogether, excluded, and the division is made equal among all.

Now, it is perfectly competent to this Community, so to divide that which is the equal and common property of all; and after having divided it, to apportion one small square, or section, to one family another to another, and soon throughout the whole. But no particular family could, with any propriety lay claim, to any particular square, as its own, for example, square No. 1, or No. 100, in preference to any other. It is a *majority* of these families, who are to decide, by any method that is just and equal, what particular square or section shall belong to any particular family.

The same authority also, has power to say, *for how long a time*, any particular square, or section, shall remain in the possession, and be considered as the property, of any particular family. They may limit it, if they choose, to a single year, and then give another square or section to every family, instead of that which they held, the previous year. Nor is history wholly without examples of a practice of this sort. “At a time, when

“ money was very scarce, the Egyptians must
 “ have been obliged to assign lands to the soldiers;
 “ and, afterwards, we may suppose, many dis-
 “ putes took place, relative to the produce, which,
 “ from the diversity of soil, could not be alike on a
 “ given space. To remedy this inconvenience,
 “ the legislature ordained that the military por-
 “ tions should circulate continually, passing *every*
 “ *year*, from one soldier to another, so that the
 “ person, who had at first a bad lot, received af-
 “ terwards a better.” *

Nor is Egypt the only instance we have, in
 which the term of private property in lands was
 limited to a single year. Historians inform us †
 that,—“ The state of property in Peru, was no
 “ less singular than that of religion, and contri-
 “ buted likewise, towards giving a mild turn of
 “ character to the people. All the lands capable
 “ of cultivation, were divided into three classes.
 “ One was consecrated to the Sun, and whatever
 “ it produced, was applied towards celebrating the
 “ public rites of religion. The other belonged to
 “ the Inca, and was set apart, as the provision
 “ made by the community for the support of go-
 “ vernment. The third and *largest* share, was re-
 “ served for the maintenance of the people, among
 “ whom it was parcelled out. No person, how-

* De Pauw's Philosophical Dissertations on the Egyptians and Chinese. Vol. 2d. p. 276.

† Herrera, quoted by Robertson. History of America, vol. 3d, page 166.

“ever, had a right of exclusive property, [exclusive, forever, is here meant,] in the portion allotted to him. *He possessed it only for a year*, at the expiration of which, a new division was made, in proportion to *the rank, the number, and exigencies* of each family. *All* those lands were cultivated by the joint industry of the community. The people, summoned by a proper officer, repaired in a body, to the fields, and performed their common task, while songs and musical instruments cheered them to their labor.”

In any such division, among the hundred families, as I have represented, in the diagram, E. F. G. H., it is plain that they, or rather a majority of them, would have the right to fix the time during which any and every particular family, should occupy any particular portion in question. It is evident here, that the whole have not *acquired* this aggregate property; inasmuch as it is supposed to be the same as that represented by the previous diagram, A. B. C. D. p. 98. It is evident also, that no one of these families, has *acquired* any particular section of the diagram, E. F. G. H., by any industry, economy, or skill. As in the former case, the *property* claimed to be owned, or to have been acquired, as well as the *person* claiming, are *where* they are, and *what* they are, not by any act of their own, but by a Power or an Agency, superior to both. All that can be said, is, that, one family has section No. 1, another No. 2, another No. 3, and so on, through all the sections, by com-

mon consent ; or, in other words, by agreement among themselves. Otherwise, there could be no exclusive possession, by any one, of any particular section. All would be common.

If, then, the time of possession, be limited to a single year, at the expiration of that time, every occupant of a section, ceases to have any title to exclusive possession. It is no longer, what he has called *his*. If, again, it were limited to *ten* years ; this also is a period of time which the generation then in being have a right to fix upon, provided it does not exceed the period of their lives ; and the right, to the exclusive possession of any particular section, by any particular family, ceases, the moment, the ten years have gone by. Once more, it is competent for the majority to say, that each particular family may retain its designated section during life. And if it were a possible thing that each and every family should die on the same day, then the authority of this whole generation of occupants of the globe, would cease, when they ceased to exist.

How absurd, now, would it not be, where the sections are allowed to be held for one year only ; for the occupant of any particular section, to claim to himself the right of nominating his successor ; of saying who should occupy next after him, the section which he exclusively owned *only* by consent of the majority of his fellow-beings ? How absurd would it not be, in any one, to hold forth similar pretensions in the case, where possession is limited

to ten years? But, certainly, not more so than he, or they, who should endeavour to extend their own authority beyond the period of their own existence. All these acts, if they were perpetrated, would be flagrant invasions of right. The two first would infringe upon the sovereignty and rights of the majority of the community; since it is for *this* body to determine who are to occupy the sections, all vacated as they are, at the expiration of the limitations mentioned: and the last would infringe upon the rights of the succeeding generation, who have a right to say *for themselves*, how this property, which a former generation have lived upon, shall be apportioned among them, without being interfered with by any.

It is to be said, when property is held for the term of a year, that, *with regard to one another*, the holders, during that time, are absolute and unconditional owners. It is also to be said, that the same thing is true, with regard to the period of ten years; and so also is the remark applicable to any term whatever, so that it does not extend beyond the life-time of the generation. If it does, then it interferes with the rights of the generation that succeeds. With regard to the individuals of any generation, their rights cannot go beyond the limits fixed by a majority of such generation: within those limits the rights of individuals will be absolute and uncontrollable. With regard to a whole generation, it cannot confer rights on any one, or more, of the individuals of which it is composed,

extending to an encroachment on the rights of another generation; for this is a power, a moral power I mean, which it does not possess; and, therefore, what it does not possess, it cannot give.

Every one sees the absurdity, where land is held for a year, or for ten years, in equal portions, as the sections in my diagram indicate, of any former occupant attempting to dictate who shall be the successor to the section he has formerly occupied; because it is seen to be a palpable invasion and assumption of the public authority; but, although not less enormous, the injustice of one generation, or part of a generation, infringing the rights of a succeeding generation, is not so visible; and merely because, as I take it, the line which separates one generation from another, is not so distinctly seen.

But, let us confine ourselves, as I have chiefly intended to do, to a single generation only, and let us see, if we cannot make plain, as the sun at noon-day, if it be not so already, the absurdity of this power of making a will. Let this community of one hundred families, be supposed to have divided the world among them, in manner the same as shown in our diagram, p. 106. Let us, also, suppose just as is the fact now, that they may die at different times; and that contrary to what happens now, there are to be no successors. If this little community allowed wills to be made, the consequence might be, that successively, as A, B, C

D, E, &c. &c. should die, allowing them to die first, they would or might, by will, give all their sections, or in other words their property, for example, to O, while from O, downwards, they would remain with only the quantity of property originally given them. As between O, and the latter members of the alphabet, during the latter portion of the life time of this generation, there would be a vast inequality ; and such an inequality, that, having determined in the first partition of the common soil, to make it equal, they would never have permitted the existence of wills, if they could have foreseen the effects they would produce.

For, it is manifestly absurd to suppose that any community, in the first division of the common property of all, would make equal allotments to all, and afterwards allow another principle to come in, which would destroy this equality. Nations, any more than individuals, cannot, knowingly adopt contradictory principles. They cannot be in favor of equality and inequality, at one and the same time. Yet this is the absurdity, to which the practice of making wills would lead, if they were allowed to exist in a community which should have no successors. The truth is, if such a community had ever existed, or could ever exist, they would be obliged to adopt the principle, that whenever any one or more of the occupants of the sections in question should die, that the sections themselves, on which the occupants

had spent their lives, and from which they had drawn the means of their subsistence and happiness, should revert to their survivors, and by a *majority* of them, be disposed of, as to them should seem good, without any regard, whatever to the wishes or desires of those who had ceased to exist ; and this majority, would not fail to appropriate to its individuals equally, the abandoned sections, and all the improvements that had been made upon them.

We have seen, then, whether governments be organized so as to hold all property undivided and common, or to possess it, equally, and separately, that there is no such thing as any one's 'having *acquired* property at all, by any thing like his own act or deed, and that of course, he has no right to convey it away, and having *pretended* to convey it away, it is a false pretence altogether. It is true, however, that if I own, by the consent of the majority of my fellow-beings, for example, section No. 1, *for one year only*, I may convey to another such section, but only for such period of time. So, also, if I own, by the same authority, the same or any other section, I may convey it likewise to another, for ten years, *and no longer*, if that be the period for which I am allowed to hold it. And once more, it is to be said, that if the majority of the community, of which I am a member, shall have consented that I shall be the exclusive owner of any particular section, *during life*, that I may dispose of such section, for such period and no

longer. The reason why I have no right to dispose of such sections, for periods of time longer than the community shall have designated, is, that it is not the individual, but the majority who confers the right; for unless they did so confer it, the right to the exclusive occupation of any *particular* portion of the common property could not exist at all. And the reason why the community itself, viewed as a single and separate generation, have no right to give title, to any one, or more of its members to hold property longer than they shall live, or to give title to others to hold in virtue of such supposed right, is, that they, themselves, do not possess the power to do so. For, as individuals are equal, one with another, so are generations; and to allow a past generation to extend the operation of its laws or its wishes into the present generation, contrary to their consent, is to allow a principle which destroys the existence of equality between one generation and another; inasmuch as a generation which now is, cannot be interfered with, by a generation which is to come, but may interfere with it, unless, indeed, the latter shall prepare to resent and resist it.

It is evidently absurd, therefore, to pretend that *acquisition of property from one another*, after an equal division has been made, can give rights to those acquiring, to dispose of it, for periods of time longer than those who first held it, had the right to convey. Thus, if I should pretend to convey to another, the right to my particu-

lar section, for example, for *more* than a year when I had it from the community for a year *only*, I should be an imposter, and the person to whom I should pretend to convey, could not be allowed to profit by the imposition. The same would be true, as it regards a period of possession, extending to *ten* years ; or to a *life-time*. That system which would allow wills to exist, where property is held during life, would allow them, also, to exist, where property is held for one year, or ten years : and this would be to sanction a principle no less unjust, and enormous than that the grantee should possess more than the grantor had power to give him : no less than to say, that the lessee should hold over the time agreed to, by the lessor, to the injury of another lessee.

It is apparent then, from the complexion of this discussion, that the whole world, is as it were, a great estate of which the Supreme Being, or Necessity, as the different understandings of men, may incline them to designate, is the owner in fee-simple ; and of which, each generation, in its turn successively, is the lessee ; the individuals of each generation, having equal rights, one with another, and the generations also, being equal one with another, without interference in any respect whatever.

If this be a correct aspect, in which to view the matter, the truth is established, that the *materials* of the world are, equally, as it regards the individuals of any particular generation, and as it re-

gards entire generations, one with another, the common property of mankind. The notion prevails to a considerable extent among men who have not reflected much, although the *materials* of the world belong to others, in all ages, equally with themselves, that still they have the right to transfer to others the result of their *labors* which remain to them, over and above their own subsistence. But they should recollect, that these labors, which they are so desirous to convey, through the instrumentality of wills, to others, are not a distinct and separate property. They are only to be found united with, and inseparable from, materials which are not their own, but which belong to the great mass of the present and all future generations. How, then, is it to be said, that I may give my labor, or the result of my labor, to others, when I cannot do so, without giving away also, that which is not my own? If we were to allow the principle, that because a man came into possession, even by rightful means, of the materials of the world, or a portion of them, and employed upon them his industry, judiciously or otherwise, that, *therefore*, the materials as well as the labor so employed upon them, were of right his property; and as such, that he had a right to dispose of them, as to him should seem good; it would go the full length of annihilating, *in toto*, the rights of every subsequent generation. For, I have only to *inclose* perhaps, or fertilize a field which a majority of my cotemporary fellow-beings

shall have given me, in order to make it mine, absolutely mine, and to deny possession of it, if I shall say so, to every human being coming after me, forever. Under this pretext of ownership in property, we could set forests on fire, and consume them, so that future generations should reap no benefit from them. A coal-mine, where circumstances admitted of it, might be burnt up in a similar manner. Clay, since it is a material which after having been submitted to the action of fire, is incapable of being made the same substance again, might, at least, by way of argument, in one age, and from mere wantonness of power, too, be appropriated to uses incompatible with the welfare of succeeding ages. Yet surely, it cannot be pretended that a theory of rights, which leads to such baneful results, can be a just and true theory. It is to be said, indeed, in some instances, that industry is exercised, without being employed upon the materials of the world. The physician, for example, may give me a verbal prescription, which may restore me to health. In return for this prescription, I may render him some personal service, such as that of carrying a message for him, to some distant place. But in this instance, neither of us has any thing to transmit, or to wish to transmit, to posterity. The prescription has cured me of my disease, and nothing remains to *me*, further than that I am in good health. The message has been carried for him, as he desired, and, so far as the message is concerned, that is all that

remains to *him*. If, in return for the prescription, I paid him in some of the materials of the world, which I had in my possession, I could only transfer to him, such right or dominion to them, as I myself might possess. If I had only, a one year's use of them, this would be all that he could justly receive of me : if it were a ten year's use, that belonged to me, then a ten year's enjoyment is all I could give him. If I had a life-lease in what I gave him, he also would have the same life-lease, and no more.

The principle which the first of all governments in any country, and, indeed, every succeeding government, should adopt and practise, is this. In dividing that which is the equal and common property of all, the apportionments should be equal ; and if it is concluded, as it will be, where men understand how best to pursue their own happiness, that a life-lease of property is better than any other, that will be the term preferred to every other. Then will every one understand that he has full liberty to use the materials of which, during his life-time, he is the master, in such a manner as, in his judgment, shall promote his own happiness. He will understand, too, that if the use which he shall make of them, shall be such as to meet the approbation of those who come after him, they will be disposed to follow his example ; but if not, that still the successor has a right to make such other use of the same, as to him shall seem good, with the knowledge that every

other person coming after him, too, will be equally free. Society, thus organized, gives notice to all its members, that they are to use their own industry, with a view to their own happiness ; and cannot be allowed, on any pretence whatever, whether of kindness or otherwise, to interfere with others in the same pursuit. Under these circumstances, then, no one would seek to acquire property for the purpose of making it an instrument (to be placed in the hands of children,) of domination over the children of other parents ; and every one would be willing that all, in whatever age or generation they might appear, should have equal possession of the materials of the world, and, of course, of the means of assuring their own happiness.

If any thing can add force to these observations, it is, that as regards the prevailing ideas, as to who are and who are not successors to property, they are altogether founded in error. In a community where the soil, the equal and common property of all, should be divided equally, and the equal portions held by each member, *for one year only*, what member could say he had a successor ? Is there any one on whom he could confer the right of occupying that which, by the death of his own tenure, he is compelled to vacate and abandon ? Where the tenure extended to the term of *ten* years, who then would have a successor ? If, indeed, there be any at all, the community itself is the successor ; and there is no other. So also is the com-

munity the successor, and the sole successor, in the case where the government is so organized, that every member of it holds, property during his life. At his death, it returns to the community, and these, in duty to every member of which it is composed, yield to them, at the suitable age, *their* share of the common property, and secure to them its enjoyment during their lives. There is, therefore, no such thing, then, as successor, in the meaning in which the word is received among men at the present day. It is only a misunderstanding of our rights that could have tolerated its use or existence among us.

I have spoken, by way of illustration, of men holding their right to property, on the same principle as that of a life-lease. In the further progress of this work, it will be seen, that I do not intend to recommend any restriction on the sale of property in perpetuity; and yet the system which I thus place before the world, will rigidly maintain the principle, that no man or generation of men, have property, or the disposition of property, either as to who shall own, or shall not own it, or as to the use that shall be made of it, one moment after they cease to exist. It is by the aid of money, that this is to be accomplished. Thus although I may have given to me, by the community of which I am a member, for example, Section No. 46, in our diagram, I may dispose of it to whom I will for a fair consideration, (and for none other); and if at the time of my death, I retain the *value*

of it, in whatever it may consist, this *value* is to be surrendered up to the community from whom I received the section, and from the sale of which I obtained it. If it be money, this *money* is to be given up; and this, it is to be presumed, is of such an amount, as to be able to repurchase the section in question; (or another as good), and is, in fact, in the nature of a mortgage upon it, the right of which is thus handed over to the community, from whom the designation and appropriation to a particular person emanated. It is as if I had *given* my property away, but some one, no matter who, had given me money enough to repurchase it. But the utility, and force of this explanation, will be better understood as we advance.

In whatever aspect, therefore, we contemplate the operation of wills, either of individuals or of entire communities, in the disposition, as well of that kind of property which is personal and exclusive, as of that which is indivisible and common, we are met by incongruities, absurdities, impolicy and injustice, to such an extent, that it is much to be wondered at,—that they should ever have been tolerated among men.

In the case of the nation I am now considering, I have thought proper to contemplate them principally as commencing the occupation of the soil allotted to them, at the same time, and as terminating their existence at the same moment. This, I know, is not the ordinary phenomenon of actual life. But principles apply, as well in this way, as

in any other. Besides, I have the advantage, of presenting to the reader's comprehension, one generation of men, occupying the earth, or a portion of it, for a distinct and definite period of time, and then, *in a body*, giving way for a new generation. In this way, I make it more plainly apparent, than I otherwise could, that one generation should not interfere with another, and, in this instance, for this additional reason, *because it need not*. As to the rights of each individual, in each generation, as it regards those of another of the next, they are shown in the previous case—where the world was supposed to be owned wholly by one man; there being, however, this difference, that they do not cover and claim so great a quantity of property. There is no other distinction between them. Their rights, their relations are, every way, the same.

Nor, will these rights, either as regards generations, or individuals, suffer any change, if we make the supposition different. Thus, if *half* of a given population were to die midway of the common period of their lives, and instantly an equal number were to be ready to take their place; they would have the right so to take it, and use the property placed into their possession, as their predecessors had done, for their own good, in conjunction with the survivors of the deceased. And in so occupying property to which they had succeeded, they would have the right to consider, that they do it, in their own original right—and owe

nothing therefor, either to *those who have been, to those who are, or to those who may be.*

We may go yet farther, and suppose any and every nation, at its first settlement, to have a population as great as ever it can support, and as ever will be desirous to draw support from its soil and other resources. If now, a given, and, as near as may be, an equal portion of its population, be imagined to die off, every day; and if it be further imagined also, that a portion of new individuals, so to call them, arrived at maturity, should appear, equal in number to the deceased, and take their places; this substitution of a new population, thus daily, supplying the waste of human beings produced by death; would make the nation perpetual. And in the operation of this daily substitution, the same principles would bear sway, that I have endeavored to inculcate throughout this work; that of the equal rights of man to the property of the great domain of nature. It is not here the place, to say, how beneficially such principles would act in promoting human happiness, should it be found that this substitution can easily and happily be accomplished. It is enough now, to observe, that they are *our rights*; that they belong to *every human being*; that they are not to be contravened, withheld or denied, among a people who understand them, *without incurring a terrible responsibility*; and that there is every reason to believe that a method will be devised, before the

conclusion of this work, which shall assure to every individual, all that his rights and his happiness require.

CHAPTER IV.

The Proposition.

IF I have seemed, to the reader, to understand myself ; if I have taken the world as it is ; and placed man, as it regards his rights to dominion over it, where he ought to be ; it must be conceded that I have done much ; but it is also to be conceded, that much more remains to be done, to put the rightful owners in possession. Whoever looks at the world as it now is, will see it divided into two distinct classes; proprietors, and non-proprietors ; those who own the world, and those who own no part of it. If we take a closer view of these two classes, we shall find that a very great proportion even of the proprietors, are only nominally so ; they possess so little, that in strict regard to truth, they ought to be classed among the non-proprietors. They may be compared, in fact, to the small prizes in a lottery, which, when they are paid, leave the holder a loser.

If such a phenomenon in the history of man, for such is the situation in which we find him in all countries and in all ages, could have possibly found an existence, under a system that should have

given *each individual* as he arrived at the age of maturity, as much of the property of the world, as any cotemporary of his, was allowed to possess at a similar age ; I say, if under such a system, such an unhappy result should have arisen, as we now see, afflicting the human race ; there would be nothing to hope. We might despair of seeing things better than they now are, and set ourselves down in quiet content, that there was no remedy. But when we see that the system which has prevailed hitherto, and prevails to this moment, is not of this description ; that it acts on principles in direct opposition to it ; that it gives to some single descendant of some holder of property under William Penn, possessions of the value perhaps of a million of dollars ; while, it may be, an hundred thousand other inhabitants of Pennsylvania, collectively, have not half that sum ; *and all this, merely because of a few beads having been given to some Indians, some two hundred years ago ;* how is it possible to have had a different result ? The system is one, that *begins*, by making whole nations paupers ; and why should it not be expected that they would *continue so* ? Indeed it would be a miracle, exceeding every thing of the kind that has ever been supposed to have happened, if we had seen, from such an organization of things, any thing but what we now see.

The truth is, *all governments in the world, have begun wrong ; in the first appropriation they have made, or suffered to be made, of the domain,*

over which they have exercised their power, and in the *transmission* of this domain to their posterity. Here are the two great and radical evils, that have caused all the misfortunes of man. These and these alone, have done the whole of it. I do not class among these misfortunes, the sufferings with which sickness afflicts him, because these have a natural origin; capable, however, of being nearly annihilated by good governments, but greatly aggravated by those that are bad.

If these remarks be true, there would seem, then, to be no remedy but by commencing anew. And is there any reason why we should not? That which is commenced in error and injustice, may surely be set right, when we know how to do it. There is *power* enough in the hands of the people of the State of New-York, or of any other State, to rectify any and every thing which requires it, when they shall see wherein the evil exists, and wherein lies the remedy. These two things it is necessary they should see, before they can possess the moral power and motive to act. I have succeeded, I think, in shewing, for that is self-evident, that man's *natural* right to an equal portion of property, is indisputable. His artificial right, or right in society, is not less so. For it is not to be said that any power has any right to make our artificial rights unequal, any more than it has to make our *natural* rights unequal. And inasmuch as a man, in a state of nature, would have a right to resist, even to the extremity of death, his fellow, or

his fellows, whatever might be their number, who should undertake to give him less of the property, common to all, than they take each to themselves ; so also has man now, in society, the same right to resist a similar wrong done him. Thus, to day, if property had been made equal among all present, right would have taken place among them ; but if to-morrow a new member appear, and provision be not made to give him a quantity substantially equal with all his fellows, injustice is done him, and if he had the power, he would have the perfect right, to dispossess all those who have monopolized to themselves not only their own shares, but his also. For it is not to be allowed, even to a majority, to contravene equality, nor, of course, the right, even though it be of a single individual. And if, alone, he has not power sufficient to obtain his rights, and there be others, also, in like condition with him, they may unite their efforts, and thus accomplish it, if within their power. And, if this may be lawfully done, upon the supposition that yesterday, only, a government was made, and an equal enjoyment of property guaranteed to all, how much more proper is it when, unjust government existing, it has never been done at all. When the whole mass of people, as it were, ninety-nine out of every hundred, have never had this equal enjoyment, in any manner or shape, whatever? If still there be those who shall say that these unjust and unequal governments ought not to be destroyed, although they may not give to

man, in society, the same equality of property as he would enjoy in a state of nature ; then I say, that *those are the persons* who, in society, *if any body*, should be deprived of all their possessions, inasmuch as it is manifestly as proper for them to be destitute of property, as it is for any one else. If slavery and degradation are to be the result, they are the proper victims. After an equal division has been once made, there seems nothing wanting but to secure an equal transmission of property to posterity. And to this, there is no irremovable objection. For, I think I have succeeded in shewing, that the right of a testator to give, and of an heir to receive, is a mere creature of the imagination ; and that these rights, as they are called, ought to be abolished, as interfering with the real rights of the succeeding generation. Had it not been for these, we should not have seen a Van Ransellaer possessing that which would make hundreds, and perhaps thousands, of families as happy as they could wish to be, and to which they have as good a *natural right*, and ought to have as good an *artificial title* as himself. It would be of no consequence for him to say that he derived his right from some old Dutch charter, obtained some twenty years after Hudson's first discovery of the river which now bears his name. The rights of nature, which can never be alienated; which can never pass out of our hands but through ignorance or force; and which may be claimed again whenever ignorance and force disappear; are superior

to any and to all chartered rights, as they are called, let them be of what government they may, even of our own government; and much more so, to those of any that is or was foreign.

I venture to say, that the ancestors of this gentleman, and those who were associated with him, would never have had leave to claim as their own, or at any rate, to *hold* as their own, that which was chartered to them by the foreign government in question, or by any other foreign government that succeeded them, if they had asked *permission of all their fellow beings, who were present with them* at the time, when they came to occupy it. And yet there is no truth more indisputable than this; *that the soil of any and every country, belongs wholly and equally to all who are found upon it*; more especially so, if a majority of the people of other nations do not object to it. It will serve little purpose to say that the Indians were, of right, the owners of the soil, exclusively, and that any transfer they should make to him who should negotiate with them, what is called a purchase is valid. The Indians themselves, (separate from the consent of other nations,) do not, and did not, own this whole country, unless it can be shown, that being divided equally among them, there was no more than their just and equal share, of the whole property of the globe. How this is, every one knows. Yet, still, if it be contended, that the Indians were nevertheless, the true owners of the soil; it must certainly, be, for some

good reason. Let us inquire, (nor let it be said, that on so important and interesting a subject as this, we can enquire too much) what that good reason may be. Is it because of their nativity? Is it in virtue of their being born upon it? This is a reason, which, if it is to have any force at all, can have it only when it is applicable to an individual. For *nations*, cannot be born. The individuals of whom a nation is composed, may be, and are. But nations do not exist, until individuals have been born, and *until such individuals*, for any purpose, no matter what, *unite, or agree to unite, in accomplishing a common object*. It is, then, and not till then, that nations begin. And they would die, too, in self-dissolution, if they could prevail upon themselves, to consent to annihilate every vestige of *compact* subsisting between the individual members. But it is the *nation* only, in such an event, that would die. The individuals would still exist, notwithstanding. Besides, if *place* of birth, gives right to soil, let us enquire into the extent of it. The question occurs, how much? Is it one hundred square feet? Is it an acre? Is it a square mile? Is it in the shape of a circle, of which perhaps the mother, who is in labor with her offspring, is the centre? Is it a square? Is it a parallelogram? Is it a triangle? And if the event in question, happened in a canoe, in the middle of Lake Erie, or Ontario, of what use would this kind of birth-right be, to the new being? Moreover, as history informs us, children

were born *here* too, of Europeans, and that I believe without the Indians feeling that there was any necessity to ask their permission. The Indians themselves, never dreamed, that the country was so exclusively theirs, when the first discoverers came among them, that beings so much like themselves, might not partake of nature's bounties in the same equal manner with themselves; and only a mistaken avarice and superstition made them enemies. If then children were born of European parents here, had they also not title? If these questions are not answered to the satisfaction of those to whom they are addressed, whose fault is it? Is it not correct, for those who claim title, to show *evidence* of title, when it is disputed? Is there any exemption? May one be called upon to show his right, and another not? Why then, is not title shown? If it be conceded, as I think it must be, that *place* of birth, cannot give title to the Indians, to the exclusive possession of this whole country, what *other* title is there? Do they hold it by deed from the Great Spirit? Where is the parchment that contains it? Where is the table of wax? Where is the record in marble? Is title engraved on the surface of the earth? Is it written on the face of the sun? In what other material, if there be any such, is his pleasure made known? Surely, if the right exist at all, there must be *some means* of ascertaining it, some memorial of its existence. If it is not so; it is unfortunate enough; for, even in law of the

present day, that which cannot be shown to exist, does not exist at all. *De non apparentibus, et non-existentibus, eadem est ratio.* How much better would it not be, to have said at once, "man has his equal right to the property of the globe, (not of any particular country) *because he is born*, rather than because of any *circumstance* attending his birth, such as the *place*, the *parties present*, at his entrance into life, *particular* parents, rather than *other* parents, or any other ridiculous reason whatever."

But admitting, notwithstanding all that has here been urged to the contrary, that the Indians *had* the right to sell, to whom it is said they *did* sell; yet, they could only sell as much as belonged to them; they could sell no more. It has been shown, that the race of Indians then living, had no right to sell, or convey away, that which, belonged to those of their kindred, as a nation, *who should come after them.* For it evidently belonged as much to these latter as to the former. Having, then, no such *power* to convey, they *did not* convey; although they might have *said* they did convey; yet it is a false declaration, such as is every day embodied into deeds, but nevertheless as false as it is common. And inasmuch as they *did not* convey; the pretended purchasers *did not*, and *could not purchase*; and of course, could not have owned; and not *owning*, could have nothing to devise by way of will, to any successor, even if it were not manifestly as impossible for *them* to will

away aught, which they might really and truly own, as it is for all other men.

Instead, therefore, of this gentleman, or any other person in similar circumstances, having any right to complain of any dispossession of vast estates, thus coming to him, by what is called descent, one would naturally think, that he ought to congratulate himself that he has enjoyed the sweets they have afforded him, so long ; and that gratitude to, as well as a proper consideration for the rights of, each individual, around him, should make him acquiesce, in the decree of this community, if they should think proper so to order, to surrender it up, preparatory to its being divided equally among the whole, himself, of course, being one of the number.

So, also, if there be any individual, who has had any connection with the gentleman, whose name I have taken the liberty of using, in the way of the common transactions of business ; and who has thereby, been able to appropriate to himself more than his natural and equal share of the property of the globe ; such person, if he does justice to the forbearance of the community, is also under the necessity, of feeling the same sentiment of gratitude, that they have permitted *him* to enjoy, so long, a greater proportion of the blessings of the earth, than they have themselves tested ; and *he* ought equally also, to be prepared to acquiesce, in the same decree, which shall forbid him to riot in these superior enjoyments any longer.

It is of no avail, in the struggles of conscious self-interest, for such an one to attempt to persuade himself, that he would have a right to disobey such a mandate of the community. In justification of himself, if he should say, "I was more industrious than others, more temperate, more frugal, more ingenious, more skilful, had greater bodily strength which I did not fail to exercise, and therefore, for all these reasons, I ought to be allowed to retain what I have;" could we not say, it is not true? And admitting it to be true, that he was *equally* as industrious &c. &c., as many thousands of his fellow-citizens, would it not be the most fatal argument that could be urged against him? For if all these qualities, are to be considered as giving him a title to *his property*, as he calls it, why should it not give a title also to them, to an equal possession with him? And yet they have labored all their lives, possessed all the qualities, that he lays claim to, and yet, have nothing! Such is, at least, the case with the great mass of mankind. And *all* the rich, we certainly know, cannot pretend to be proportionally *more* virtuous than they. The mere accidental circumstance, of having acquaintance with him from whom he has drawn his wealth, of having his confidence; of knowing how to take advantage of the situation of all the particulars in any way concerned in the operation of extracting such wealth from its former proprietor; is not of such importance as to give a right paramount over all other men, even if we

were to admit such former proprietor to be a just and genuine owner. But such he evidently is not ; and as such ; wealth derived from him, whoever may have it, must be delivered up to the community who are the rightful owners. A poisoned fountain cannot send forth sweet waters ; nor he who holds a vicious title, give a virtuous one to another.

But, in some respects, the reasoning in which I have allowed myself to indulge, in the course of the present chapter, is of a kind calculated to compel me to blend two things together, which ought to be kept separate ; that is the injustice and enormity of unequal first-possession, and the *effects* growing out of it. The reader will know what I call first-possession ; it is, that which the governments of every country order to be given to him who is so fortunate as to have what is called a legator, whatever he shall have requested, out of any thing which he possessed at the termination of his life. The *effects*, of which I spoke, as growing out of it, are, the additions made to it, by acquisition, thro' the operation of that state of things, where a few have all, and the many nothing. I use the word legator ; but the word donor is equally applicable ; since the latter gives the property, it may be, a few years sooner ; the difference being only in time. It will be better, therefore, to defer combatting any further objections, which will naturally arise, to that which is yet to be proposed, until a full view can be had by all, of the features it will exhibit.

So much has been said as to what really is not, and should not be, that the reader is, no doubt, prepared to anticipate, in part, what *should* be ; to foresee the modification, which it is necessary our State Government should undergo, before the rights of property, which belong to man in his natural state, can be secured to him, in the artificial state in which society finds him ; and before the rights of posterity can be preserved to them, as they should have been to us, for their own exclusive use and benefit.

This modification will be accomplished by pursuing the following

PLAN.

1. Let a new State-Convention be assembled. Let it prepare a new Constitution, and let that Constitution, after having been adopted by the people, decree an abolition of all debts ; both at home and abroad, between citizen and citizen ; and between citizen and foreigner. Let it renounce all property belonging to our citizens, without the State. Let it claim all property within the State, both real and personal, of whatever kind it may be, with the exception of that belonging to resident aliens, and with the further exception of so much personal property, as may be in the possession of transient owners, not being citizens. Let it order an equal division of all this property among the citizens, of and over the age

of maturity, in manner yet to be directed. Let it order all transfers or removals of property, except so much as may belong to transient owners, to cease, until the division is accomplished.

2. Let a census be taken, of the people; ascertaining and recording in books made for the purpose, the *name*, *time* when born, as near as may be, and annexing the *age*, the *place* of nativity, *parentage*, *sex*, *color*, *occupation*, *domicil* or *residence* and *time* of residence since *last* resident in the State, distinguishing aliens from citizens, and ordering, with the exception of the Agents of Foreign Governments,—such as Ambassadors, &c. that all such aliens shall be considered as citizens, if they have been resident for the five years next previous to the time when the before mentioned division of property, shall have been ordered.

3. Let each citizen, association, corporation, and other persons at the same time when the census is being taken, give an inventory of all personal property, of whatever description it may be, and to whomsoever it may belong, in his, her, or their possession. Let also a similar inventory of all *real* property, within the State, be taken, whoever may be the owner of it. And from these data, let a General Inventory, be made out of all the real and personal property, within the State, which does not belong to alien residents, or transient owners. To this, let there be added all property in the possession of our tribunals of law and equity; and such State property, as can be offered up to sale without detriment to the State.

4. Let there be, next, a dividend made of this amount, among all such citizens, who shall be of and over, the age of eighteen, if this should be fixed, as I am inclined to think it should be, as the age of maturity; and let such dividend be entered in a book for the purpose, to the credit of such persons, male and female.

5. Let public sale be made, as soon after such dividend is made, as may be practicable, to the highest bidder, of all the real and personal property in the State. Care must be taken that the proper authority be required to divide all divisible property, that shall require it, into such allotments or parcels, as will be likely to cause it to bring the greatest amount, at the time of sale.

6. All persons having such credit, on the books before mentioned, are authorised and required, to bid for, an amount of property, falling short not more than ten per cent. of the sum placed to their credit, and not exceeding it more than ten per cent. Delivery may be made of the whole, if it be real property and the receiver may stand charged with the overplus. If it be personal property—delivery to be made, only to the amount of the dividend, unless it be secured.

7. When property, real or personal is offered for sale, which is not in its nature divisible, and in its value such as to be of an amount—greater than would fall to the lot of any one person—then it shall be proper to receive a joint-bid, of two or more persons, and these may purchase in con-

junction, giving in their names, however, at the time of sale.

8. As it regards personal property, which may be secreted, or clandestinely put out of the way ; order should be given, that from the time when any Inventory, of any person's property of the kind, is made out, up to the completion of the General Sale, the owner should be answerable for the forth-coming of so much as may be left in his possession, at the peril of imprisonment for fourteen years, as is now the punishment for the crime of grand larceny, unless good cause were shown to the contrary. Similar punishment, also, should be visited upon every one who, knowingly, gave in a false or defective statement of the property he had in his possession, or who, having received his patrimony, goes abroad and receives debts or property which the State has renounced.

9. As the General Sales are closed, their *amount* should be ascertained, and a new dividend declared. It will then be seen how much this dividend, which may be called a *patrimony*, differs from the original dividend. By comparing the amount of each person's purchases with this patrimony, it will be seen whether he is creditor or debtor to the State, and how much ; and he will be entitled to receive the same, or required to pay it to, the State accordingly.

10. There is one exception to the delivering of property to persons, who may bid it off. It is to those, for whom, from excessive intemperance,

insanity, or other incapacitating cause, the law may provide, as it should, proper and suitable trustees or guardians. Under proper regulations, it should be entrusted to *them*.

11. While all this is transacting, persons already arrived at the age of maturity, and before they can be put in possession of their own patrimony, will die. Of these and others throughout the State, a daily register should be kept from this time forward forever; and so also should be kept, another register of the births of those now in minority, and of those that shall hereafter be born. The property intended to be given to those who shall thus have died, and the property of those who shall have received their patrimony in consequence of the General Division, and who shall die before the first day of January ensuing, the completion of the General Sales, shall be divided equally among all those who shall have arrived at the age of maturity, between the time of taking the Census aforesaid, and the first day of January just mentioned.

12. An annual dividend, for ever, shall be made of the property, left, throughout the State, by persons dying between the last day of every year and the first day of the next succeeding, among those who, throughout the State, male and female shall have arrived at the age of maturity, within such period: and it shall be at their option, after the dividend is made, to receive it in cash, or to use the credit of it, in the future purchase of other

property, which the State will have constantly on sale, in consequence of the decease of other persons in the ensuing year.

13. Property belonging to persons, not citizens, but transiently resident among us, and dying here, to abide by the laws which govern the State or nation to which such person belonged, in the disposal of property in such a situation ; provided such State or Nation allows the property, or the value thereof, of *our* citizens, dying *there*, and leaving property, to be sent home, to abide by the operation of our own laws.

14. Other States or Nations adopting a similar internal organization, as it regards the transmission of property to posterity, and consenting to bestow patrimonies upon minors born in this State, (and who shall prefer receiving them in any such foreign State) upon their producing documents certifying the fact of their nativity, age, &c. and that they have received no patrimony from their native State : shall have the favor reciprocated, under like circumstances : otherwise, a minor born in another State must reside the last ten years of his minority in this, before he can be considered as entitled to the patrimony of a native born citizen, and must moreover be liable to severe punishment, if, either after he has received his patrimony, he accepts aught from his native or other State, by way of legacy or gift ; or, before maturity, he receives such legacy or gift, and then accepts the patrimony in question.

15. All persons of full age, from abroad, Ambassadors &c. excepted, resident one year among us, are citizens, and must give up all property over an amount equal to the patrimony of the State for the year being, unless such persons were citizens of a State, acknowledging the equal rights of all men to property, in manner the same as this State is supposed to do.

16. All native born citizens from the period of their birth, to that of their maturity shall receive from the State, a sum paid by monthly or other more convenient instalments, equal to their full and decent maintenance, according to age and condition; and the parent or parents, if living and not rendered unsuitable by incapacity or vicious habits, to train up their children, shall be the persons, authorized to receive it. Otherwise, guardians must be appointed to take care of such children and receive their maintenance—allowance. They are to be educated also, at the public expense.

17. When the death happens, of either of any two married persons, the survivor retains one half of the sum of their joint property, their debts being first paid. The other half goes to the State, through the hands of the Public Administrator; this Officer taking charge of the effects of all deceased persons.

18. Punishment by imprisonment, for a term of fourteen years, should be visited upon him, who, during his life time, gives away his property to

another. Hospitality is of course not interdicted, but charity is, inasmuch as ample provision will be made by the State for such persons as shall require it. The good citizen has only to inform the applicant for charity where his proper wants will be supplied.

19. All persons after receiving their partimony, will be at full liberty to reside within the State ; or to take it, or its avails to any other part of the world which may be preferred, and there to reside, as a citizen or subject of another State.

20. Property being thus continually and equally divided forever, and the receivers of such property embarking in all the various pursuits and occupations of life ; these pursuits and occupations must be guaranteed against injury from foreign competition, or, otherwise, indemnity should be made by the State.

I have thus developed the principles of the modification which the Government of this State should undergo, and the means necessary to accomplish it, in order that every citizen may enjoy in a state of society, substantially, the rights which belong to him in a state of nature. I leave the reader therefore for the present to his own reflections ; intending in the next chapter to offer such reasons as the subject admits, for enforcing the propriety of adopting such modification, and of the means proposed, of accomplishing it.

CHAPTER V.

REASONS

In support of a General Division of Property, and of the method proposed to be pursued in effecting it.

In offering these reasons, I shall pursue, as far as may be convenient only, the numerical order observed, in the preceding chapter ; and in doing so, necessarily am called upon, to say why a State-Convention is requisite. Without much reflection, it might appear, that as the whole question involved, is, whose is this property, and whose this? and who shall have either or both, after the present possessor, or possessors have done with it? that it was simply a question of *meum* and *tuum*; of *mine* and *yours*, in the first instance ; and in the second, another question, of the manner of the descent of estates. Now these are subjects of which the Legislature, have full cognizance, and it would seem, therefore, to be unnecessary to interfere with the present Constitution, to bring about any modification in these particulars that might be desirable. But if my estimation of the rights of property, is correct, it will follow that the general and received opinion is wrong. I admit, even in a State of Society, man's equal right to property, exclusive for all, if it be so for any, and consequent upon this admission, his equal per-

sonal rights of every description. But this the present Constitution forbids in various ways, and it is necessary, therefore, to abolish it and make a new one. For example, I propose to put up at public sale, all the public lands belonging to, and within the State, whether those adjacent to, and on which are found our valuable salt-springs; or those that have been pledged by the Constitution, to what is called the School-Fund; or those belonging to the Indians. I would give the same rights of suffrage to the red man, the black man, and the white man. I would oppose every thing of privilege now disfiguring our present Constitution, in whatever shape it might present itself: for it would be in vain that we should equalize, the *first possession* of property, as I have heretofore called that to which I afterwards gave the name of "patrimony," if so soon, as we have done so, we set about giving privileges or charters; the direct effect of which is to disturb the equality we have just created, by taking property from some, and giving it to others.

As to the Salt-Springs—there are those, no doubt, who have made up their minds, from the contemplation of *things as they are*, that it would be impolicy, ever to suffer them to become private property. They would be in danger, such persons think, from the tendency which wealth, in a long course of time, has, to increase its own amount in the hands of its owners, independent of political power, and for selfish purposes, of coming

ultimately into few hands—and then extortion upon the people, would be the immediate and certain consequence, if interdiction to the existence of such an evil, were not written in our constitution. But here is a new state of things, it may be, about to come up. A state of things such, that any one or more, of these Salt-Springs could never remain longer at farthest in any one person's possession, than the mature portion of his life. It reverts then to the public—and is necessarily transferred to other owners, as many as this kind of property admits of, by the process of subdivision. That enormous and overgrown wealth, which would be sufficient to engross this valuable property of our State, is only to be acquired by transmitting the accumulations of one generation to another, in an hereditary manner; and as the state of society which this work presents to the consideration of the public, is intended to prevent this; there could not exist the remotest possibility of their becoming the property of persons so few in number, as to destroy that competition between them which is so indispensable to the production of any commodity at the lowest price. Besides, it is to be considered, that these springs are not only very abundant, but cover a great extent of country; five counties or more being supplied with them.

If any one can possibly imagine that it is yet practicable for these springs to fall into the possession of a few hands, if the constitutional prohi-

bition were removed ; such person may see cause to doubt the truth of his opinion, when he comes maturely to consider the magnitude, even of their present value, and the impossibility there will be, of any person whatever, under the proposed change in the affairs of our State, to obtain the means of purchasing them, *even if they should all be offered up for sale at a time*, (after the first General Division,) a thing which can scarcely happen even perhaps in the course of a hundred generations. For the *value* of these Springs is already very great ; though I have no means of ascertaining with any great accuracy, what that value may be. In twelve years, coming down to the present (1829,) the *average duties* that have been derived from them by the State, amount to about \$75,000 a year. If we take the interest on the capital employed, at this sum also, it will probably be not far from correct : so that this item will afford a tolerably correct criterion, for ascertaining the value of the springs in question, according to the present modes of appreciating property. Now the capital necessary to earn an interest of \$75,000 a year, at five per cent. is no less a sum than one million and a half. In the first General Division of Property, if each person, arrived at maturity, should receive \$3,000, the aggregate property of the State would amount to about three thousand million of dollars, which is probably above its value. How, then, will it be possible, for a man having only \$3,000, to purchase that which will

bring a million and a half? Five hundred such men would be requisite. A number perhaps greater than is now engaged in the business of making salt.

Nor can a foreigner, supposing him to have enough to enable him to do so, come among us, and monopolize it. To do this, he must become a citizen, for an alien cannot hold land. And even if our laws, did admit aliens to own land, it would be very easy, as it is also proper, to alter them so as to forbid it. But a foreigner on becoming a citizen, must abide by the duties of a citizen: and of course, must give up all he has over a patrimony equal to that possessed by every other citizen.* If, therefore, shortly after having done so, he should go forth and purchase such an immense amount of property as the Springs suppose, it would be evidence, that he had not surrendered up all he had; and such a transgression, would warrant his entire dispossession of his purchase, and punishment in addition. In the

* Article 14. p. 142, provides; that the children of foreigners emigrating here, and becoming citizens, shall be entitled to patrimony on arriving at the age of maturity; provided they have resided in the State ten years immediately preceding. This is proposed, rather as a principle of good policy, than as a matter of right, in him or her who may receive. And it occurs to me to suggest for inquiry, if it should not be thought worthy of being adopted, how far it would be good policy to supply the deficiency, by bestowing upon poor aliens becoming citizens, or upon their children, born in a foreign country, the excess of property, which by Article 15, is required to be given up, by *rich* foreigners, on coming here to be citizens.

ultimate future progress of this System of the Rights of Property ; I do not anticipate that it would be correct or proper, thus, to order a foreigner to lay down all that he has, and take up, only, so much for his own exclusive use, as would be equal to the patrimony of a person just arrived at maturity. *It is proper only, when he comes from a country, which does not acknowledge the equal rights of men to property.* Coming from a country which *does* acknowledge such rights, and which has given *him his* patrimony, and to which also, it may be, he has added the acquisitions of many years of industry, it would be manifestly improper, and contrary to the intentions of the System recommended in this work, to touch a cent of it, so long as he lived, otherwise than in taxes for the support of government. To do otherwise than this, would contravene the spirit of the 19th article, in the preceding chapter :—which allows every receiver of his patrimony, to take it, or the avails of it, to whatever country he shall prefer, without molestation or hindrance, there to spend his life, if to him it shall seem good.

There is another objection, which will present itself to some. May not, they will say, a great number of these proprietors, if they shall think proper, combine to demand an extortionate price for salt ? I answer, no. For then, as now, will there be severe penal laws against all combinations ; but then, more than now, will they be rigidly enforced. Besides, to guard against their

ill effects, it will be necessary to limit the number of persons composing associations even. And this will be the principle of limitation :—no association, or combination of the exertions of any number of individuals, *will be allowed at all*, for any purpose, where the persons constituting such number, can carry on the business to which the association would direct their efforts, as advantageously for the public benefit, as well without an association, as with it. Thus, it will be allowable for ten men to own a ship in company; for they can own it in no other manner; and can *employ* it in no other manner; inasmuch as it will cost so much, that no number less than ten perhaps, can command means enough to purchase her. But it would be manifestly improper to allow the combination to extend farther.* It would be manifestly dangerous, to admit all ship-owners, to combine, and form a common treaty, to demand such price for freight, as such treaty should require. It would be as improper to allow all the bakers to conspire to fix the price of bread; or all the millers to combine to say how much they would have for their flour. The operation of all these fraternities of trade, would be to obtain more than could be obtained of the whole commu-

* Houses, particularly in cities, would not only be more costly than would comport with the means of a single family to purchase a whole one; but they also, in many instances, contain room enough to accommodate several. They might, therefore, be sold in parts; and each purchaser own such part, as now, he owns the whole.

nity, if they did not exist. They would, therefore, be suppressed, by direct and criminal prohibition, as well in the case of salt, as in all other things.

It would be easy to show, mathematically, the utter absurdity, of the supposition, that any man could possibly obtain possession of such a vast amount of property as the purchase of the Salt-Works of this State, necessarily implies. In the present state of the world, there are instances enough, of single individuals owning from one to ten and even more millions of dollars. But let the system at present under consideration, be supposed to be introduced every where, and the case would be very different. Although every man, he who now has been able to amass his ten millions, as well as every other, would possess the full exercise of his talents, his genius, knowledge, industry, and economy; yet, no one then could exercise them over the destitution of his fellow-citizens, since such destitution would not exist; and of course, no opportunity would exist to obtain enormous returns, for enterprize and industry. And, even if there were such opportunities, the great number of competitors, which a perpetually equal division of property constantly produces, would narrow down exorbitant profits, to that, which is altogether reasonable. If it be said, that all this is very well, on the supposition that the System is *universally* introduced, but that it does not apply till that period arrives; I answer, that it applies in part, and probably to a much greater

extent than at first thought may be imagined. A cargo of flour, it is true, might be bought in New-York for five dollars a barrel, and conveyed to Lima for instance, where it may be sold for sixty dollars, owing perhaps, to a state of war and consequent famine. Yet, if, in this State, the new System, were introduced, previous to this cargo being taken to Lima, the exorbitant profits, realized in the case before us, would be shared, in all probability, by some ten, twenty, or fifty men.

It should be recollected, that equal property being given to every human being as he arrives at the age of maturity, would necessarily cause equal education, instruction, or knowlege, or nearly so ; and, indeed, it is a provision of the system, I support, that such instruction shall be equal, inasmuch as it is afforded at the public expense. No one, therefore, could have the power, to make his possessions bear on him who had none, for none such would exist. Nor could there be so much difference in the riches of the mind, as to afford an opportunity to him who should know most, to extract property from him who should know least. Under all these circumstances of equal condition, as regards both property and intellect, no one could by any possibility amass a fortune greater than that of another, by any considerable amount. To suppose the contrary, would be to imagine that a man who begins the world as every other man begins it, both as to property and knowledge, equal with his fellows

having, say \$3000, could yet, nevertheless, obtain, and obtain, too, from his fellow-beings, for there are none other of whom to obtain it, an *increase* to this possession, say, if you please, of \$3,000,000 dollars. If this were to be estimated, as having been obtained, by labor, at the rate of one dollar a day, over and above his expenditures, for his maintenance, it would be equal to the labor of three million days; or ten thousand years precisely; reckoning 300 working days to the year! Yet, the mature part of such a man's life, cannot be reckoned with any propriety, at more than fifty years; and in many cases, at not so much as half this term. Why, then, let me ask, should the labor of ten thousand years, be given for that of fifty? Why should it be, that the labor of some thirty, or forty, or fifty years, of the life of John Jacob Astor, for instance, should be paid for with the labor of ten thousand years of his contemporaries; and contemporaries, too, of whom it may certainly be said, that *their* labors, and *their* lives are quite as valuable, and meritorious in and to Society, as his can pretend to be? Had the system existed, which it is my wish to see introduced, such a thing could never have happened in human society.

Men starting equal in property and knowledge, could never have been cheated or forced into any such enormous injustice, as that of giving the labor of ten thousand years, and more, for that of fifty! Nor, of course, could any man, John Jacob

Astor, or any other person ; starting with only his equal patrimony, or perhaps with nothing, as *he* may have done, have come into such enormous possessions ! It is only by mankind having suffered governments, to cheat much the greater part of the posterity who succeeded them, out of their rights of property, through the instrumentality of wills, that such enormous wealth in a single individual, has been allowed to accumulate. It is obvious, therefore, I think that no one, under the new arrangement of things, could possibly obtain a monopoly of the Salt Springs, or of any other property, even for a single life-time.

After having thus obviated the objections that may have seemed to oppose themselves to a public Sale of the Salt Springs, thus making them private property ; it is proper to state the objections that arise in my mind to the State's retaining them as public property, and leasing them out. In the new order of things, men will be very much disposed as they are now, to have what they may call their own, during their own natural lives, and which they may dispose of, whenever they shall think fit, in, what may be called, perpetuity to them. But if a *lease* be taken for a term of years, that term may be considered judicious by some, and injudicious by others, and unreasonable by all, as no one can know, whether such term would be the same as, or more, or less than, their natural lives. If a lessee dies, and leaves a portion, of the time of the lease, unexpired ; such portion would

not so readily obtain a purchaser, as if it were in fee-simple, (be it understood, however, for the term of the purchaser's life, he continuing still to keep it :) Nor on the other hand, if the lessee survived the expiration of his lease, would he feel the same disposition to renew it, as he would to keep it, if it had not yet expired. Besides it is easy to imagine that a person, of the age of maturity, may believe that he would best consult his own interest, by investing his patrimony in one or more of these Salt-Springs, and, it may be, for five or ten years, remains, contented with his situation, but at the time alluded to, perhaps, sees that he could improve his condition if he could sell his Springs, as other land-holders sell their estates. But if the man who would otherwise be the purchaser, at a price mutually agreeable, cannot have them, for the term of his (the purchaser's) natural life, it is an impediment in the way of a ready transmission of property from one cotemporary to another, frustrating as far as it goes, one of the most important purposes of society ; to wit, the entire freedom of exchanges. I lay it down, therefore, that there should be no such thing as public property put out upon lease. 1st. because in the proposed new modification of society, men will stand in situations of equality with each other, which render it incompatible with their private welfare : and 2d. Because it has the unavoidable effect of diminishing the quantity of the public wealth by obstructing the facility of exchanges.

The same, or rather similar objections present themselves in regard to the retention of the public lands, by what is called the School Fund. Education is certainly and deservedly, a most important consideration with the people of this State; and there is no doubt, that the expense of giving it should be borne by the State. But at the same time, it would be manifestly improper to withhold them from the proposed General Division; since this is the best way of bringing settlers upon them, and thus making such of them as are capable of it, valuable; unless, indeed, it be thought best to submit them to the operation of lease; the objections to which apply with the same force here, as to the Salt-Springs. Besides, it is absolutely as ridiculous, for a State which is competent to accomplish what it undertakes to accomplish, to lay by, a certain sum in one place, for one object; and a certain other sum, for another object, in another place; as it would be, for a gentleman who knows himself to be able to pay for whatever he shall call for, at a tavern, to have money in one pocket to pay for *his glass of wine*, and in another, more of the same, for *his crackers and cheese*. If the State or Gentleman, are not able to pay for what they order, they should not order at all; but, if they are, there is no occasion for two or more pockets. Let the School-Fund then be annihilated; and let a new and general arrangement take place for providing a Treasury; out of which, all objects are to be paid for

which the Legislature shall order to be accomplished, without having so many ridiculous and unmeaning distinctions.

The present Constitution guarantees to the Indians of this State, the entire and exclusive possession, of what they, as well as the State, call, their lands. Now, these, on the principles already indicated in this Work, are, of right, to be surrendered up, in order, that if they be more than their equitable proportion, some of them shall be taken from them ; if they be less, then, that more may be given to them, so as to place them on a footing of equality with their white brethren, in respect to both real and personal estate. To break, then, this guarantee, it is necessary to remodel the Constitution, and for this, a Convention is the proper instrument.

The same eternal and indissoluble rights, exist for all : " all men are created equal : " and neither governments, nor others, have any right, so to speak, to *uncreate them*. The black man's right to suffrage, being a personal right, is as perfect as the white man's ; and, so also is his right of property. But, if the present constitution existed, and the colored citizen were put in possession of his equal portion of the domain of the State, and all its personal effects, he would not have the same right to appear at the ballot boxes, as the white man. It is necessary that he should have such right ; for elsewhere there is no power, but unlawful force, with which he may defend his

property. Those who could go to the ballot-boxes, and put in their votes, could, by that very act, take it away from him, without his having a chance to make reprisal or resistance. It would be nonsense on the one hand to say, "this is your property;" and on the other, to tell him; "but you shall not have the same power to defend it, as belongs to another." Nor, can it be pretended, on any account, that what, some people call policy, should sanction the withholding from the black man, the same right of suffrage, which is extended to the white man, by reason of the former existence of slavery among us. The number of colored people, in the State of New-York, is very small, when compared with the white population. In 1825, the whites were about, 1,570,000, and the colored people, about 46,000; so that there are upwards of 34 whites, to one of the African race. A ratio so disproportionate as to banish every thing like objection to give to them a full enjoyment of their rights, from the most fastidious mind.

But if the principle is to prevail, that property is given to any human being, in the right which such being holds to it, in virtue of his existence; and that the right of suffrage, being a personal right, co-existent with the being himself, belongs to him also, as a means of its defence and preservation, as well as of his personal liberty; it follows that woman as well as man, is entitled to the same right of suffrage, and ought, on no con-

sideration to be deprived of it. It is not necessary to say one word on the propriety or utility of its exercise ; this is a matter to be left, wholly and exclusively to the judgement and pleasure of her or him to whom such right belongs, independent and regardless, even, of the whole community.

To restore the right of suffrage, to those to whom it has hitherto been denied, but to whom of course it belongs, with as much propriety as it belongs to any one, it is necessary that the State Constitution should be remodelled ; and for this, in addition to the reasons already given, it is requisite to assemble a new State Convention.

It will be right and proper to repeal all charters of whatever kind they may be, and thus to consign them to a grave from which there shall be no resurrection. But as I do not undertake to say that any thing ought to be done, without giving a reason why, in any case ; I shall not do it, in this.

In the first place, if property be equally divided among all ; if all have equal personal rights ; if administration of the laws, which of course, are supposed to be made equal, is impartially made ; what occasion is there, for charter ? Is it that more money, more profit, may be made by the party receiving it, than could be made without it ? If not, what is it wanted for at all ? And if it is wanted for the sake of *more* profit, than could otherwise be obtained ; out of whom, is it to be made ? Is it not to be made, before charter be

granted, out of the community ? And after the charter be given, is it not also to be made, out of the same community ? And is it, then, *any benefit* to any community that such charter should be granted ? Besides, where is the right ? Where is the correct moral power, to compel any community or any portion of any community, to pay more for a commodity or a service, in the presence of a charter, than in its absence ? And if the correct moral power, the honest principle of right, is wanting to grant such charter, how have Legislatures, legitimately done it ? How had they the true power to do it ? For the true power to grant a charter, or to do any other legislative act, is the good of the whole community. But it is not to the good of the whole community that they should be made to pay more for a commodity or a service, after the granting of a charter, than before it. How then has any Legislature done it, with any authorized power ? And if they have granted, what in fact they had no right to grant, is it a legal grant, is it, generated, as it is, in wrong, in power usurped ; is it, I ask, any grant at all ? Is it not a nullity, which stands self-revoked before an impartial community ? Besides if the Legislature had no power to bestow any such supposed charter, what right has the party receiving it, to accept it ? Can the *thief* of power, give a valid title to the *receiver* of power stolen ; any more than he who has stolen goods, can give a valid title to *their* receiver ? Will not an impartial community

which punishes crime, and takes charge of the public welfare, chastize the criminals on the one hand, and break their charters on the other ?

Of course I say nothing of charters, if any such there be, which do not, and are not intended to obtain, more from the community than could or would be obtained without them. These, at least, are harmless to the public, whether they be or be not useful to those who receive them. And to suppose that a people ever intended to sanction any other description of charter, would be to say no less than that they were willing to give an express authorization to others to rob them ! No constitution, therefore, whatever it may say, can ever be supposed to have had any such meaning, without supposing a whole people to have lost their senses : and in such case, such constitution would be a very bad fountain from which to derive authority.

But it is said that a charter is, or may be, a contract made between the government, and the Charter-party, for the benefit of the community, and that, therefore, it is not to be broken. This would be strange enough when the breaking of a contract, is a thing which is done every hour of the day. What ! May not the Public Authority break its contract, with the Brooklyn Ferry Boats ! Why not ? Are they not *able* and *willing*, too, to make good all damages, which may arise in consequence of any such breach ? Besides, how much damage, does any one think, that it is possible, for their proprietors to prove they sustain, merely be-

cause they are deprived of the power of preventing others from carrying passengers *cheaper than they do*? How much damage could the New-York-Gas Light Company show that they suffered, if such were the fact, that others furnished light, of an equal quality and *at a lower price*? Is an individual, is a company *wronged*; are they *injured*, because they are stripped of the power to command greater price, than honest competitors are willing to accept? Moreover, we are told, it is for the *benefit* of the community. How is this? In a question of damages, between the community on the one hand, and the proprietors of a charter, on the other, might not the community say, show us how much you have received at our hands, over and above what would have been required of us, at other hands, and then we will listen to you with some patience. Till then your charter is revoked, and you must be content to do business on the same terms as other men; that is, you must engage with the competition of your fellow-citizens.

But some charters, it is pretended, have actually done public service for which they have not yet received the promised consideration. The Manhattan Bank, it is said, has furnished water to our citizens! And do not our citizens pay them for it? And if they do not pay them, whose fault is it? Is it because the company is *restrained*, by their charter from asking such a price for it, as will indemnify them? If so, then, are such of our citizens as thus receive water from this company,

receiving it at a price *below its worth* ; and the remainder of the community is making good the deficiency, with profit to the company. Here then are features of iniquity which are sufficient to vitiate the whole charter, if there were no other. Inasmuch as only a *few* are benefitted, how can it be said that it is for the benefit of the whole community ; and if not, why should they be called upon to pay the consideration ? In truth, is not the claim for remuneration found to rest with the other party, inasmuch as they have been actually *injured* instead of being *benefitted* ? If the fact had actually happened, that some Banking Institution, this, for instance, had constructed for the State, the Erie and Champlain Canals, in manner as useful and valuable as they are now, in consideration of receiving a Banking privilege, extending through all time ; still it would be competent, and morally correct, in the present or any other generation, or the government which should act for them, to repeal such privilege, and withhold it altogether. And all that justice could require at the hands of the government, in favor of the Bank, whose charter is supposed to be thus repealed, would be simply this : *as much as they could possibly have made by an equal application, of industry, talents and resources in any other way*. Then justice would be satisfied ; for no one would be injured, either by giving too much on the one hand, or receiving too little on the other. For justice does not consist in giving more for a commodity or a service, than an

equivalent. A promise to do more is an injustice, if it be fulfilled, to the promisor himself, which he has no more right to inflict on himself, than on another.

But, there is a very important reason why a charter, which is pretended to be granted *for ever*, is one, which, of all others, with the greatest propriety, may be doomed to immediate death. It is because the authority granting, or rather pretending to grant it, has, and can have, by no possibility, a right to make such a grant; and, for the reason that it extends its power over the succeeding generation; whereas it might at least seem to be more plausible, if it only affected to extend power over the generation then in being, and for whom it pretends to act. But as to enforce the truth of this remark, even with reference to governments as they are now constituted, I cannot use language or argument more appropriate, than the following quotation, I shall use it, instead of my own.

“ There never did, there never will, and there
 “ never can exist a parliament, or any description
 “ of men, or any generation of men, in any coun-
 “ try, possessed of the right, or the power of
 “ binding and controlling posterity to the *end of*
 “ *time*, or of commanding for ever how the world
 “ shall be governed, or who shall govern it. And,
 “ therefore, all such clauses, acts, or declarations,
 “ by which the makers of them attempt to do,
 “ what they have neither the right nor the power to

“ do, nor the power to execute, are *in themselves*,
 “ null and void. Every age and generation must be
 “ as free to act for itself, *in all cases*, as the ages
 “ and generations which preceded it. The vanity
 “ and presumption of governing beyond the grave,
 “ is the most ridiculous and insolent of all tyrannies.
 “ Man has no property in man; neither
 “ has any generation a property in the generations
 “ which are to follow.”—*Paine's Works*,
 v. 2, p. 39—*Rights of Man*.

If it were not arguing the question with too little respect to the dead; we might say, to all those who are dissatisfied with the arguments against the validity of charters granted in perpetuity, which have, on a multitude of occasions, been urged, by a multitude of writers of the greatest talents; “ inasmuch as it is neither the people of the present day; nor their government, who have granted you this ancient charter; go ye to your grantors; go ye even to them; awake them from their graves; and demand of them, either the fulfilment of their grants, or restitution in damages therefor; for it is to these, if to any, that you have a right to look for the realization of your claims; and not to the living. These have their own happiness to consult, and know nothing of those, from whom you pretend to derive your claims.”

One of the most common objects for which Charters are solicited is that of carrying on Banking operations; and as these, in the way in which

they are conducted, are political machines by which more interest is obtained for the use of money, than they could otherwise receive, (otherwise they would not be wanted), they are objectionable for the same reason, that charters for ferries, for Gas Light, and for other purposes are. But as to accomplish their object they contrive, through the assistance of Legislatures, who are often and probably always bribed in some way or other, to a greater or less extent, to obtain possession, in whole or in part, of so much of the Sovereign Power as is exercised through the coinage or the Mint; and as the real nature, of the use they make, of such possession, is not so well understood as it ought to be, it may not be amiss, that it be examined a little more in detail. It will serve to make more heeded the warning which this work gives, not to suffer such institutions as those I am considering, to have existence in the system proposed therein to the consideration of the reader.

In understanding this subject, as well as any other, it is only necessary to *dig deep enough* to discover the foundation; to go back *far enough*, to arrive at first principles; and then, the plainest intellect may be sure he does not deceive himself. Let us now suppose the people of this State, to be organized in manner—such as I have already suggested; that each has his equal value of property; that they are all exercised in the different arts, trades and occupations, which they intend to pursue; that they need perhaps, Roads and Canals,

which are not yet constructed, but simply laid out, ready to be completed: and that they have no money. What is to be done? I suppose them to be well aware of the use, and importance of money, in effecting exchanges, by substituting its agency, for the troublesome and almost ineffectual operation of barter. How may it be introduced? In *one* way, thus:

Government would possess, it may be supposed, a given quantity of silver which it would cause to be made into coin of various sizes, such as we see now issue from the United States' Mint. And no other than the government is supposed or allowed to have any of this metal. So soon as this coin is made in sufficient quantity, in the judgment of the government, conveniently to answer its intended purpose, the operation of introducing it begins. The public authority now addresses each and every individual thus: "You are all equal, in rights of person and property; you have each an equal interest in cutting these Canals, and making these Roads; for, they are for the common benefit; now, provide, each of you, yourselves, with your own provisions, implements, &c.—and come and labor either on those public works, each an equal number of days, until they be completed; and then receive, each of you, an equal share, by weight, of these pieces of silver, large and small, and take them home with you; and, thereafter as you have received them, as it were, in satisfaction of your labor,

“direct or indirect, on these Public Works—
 “though they are in truth, your joint property,
 “and as such *are their own reward*; yet let these
 “pieces of silver, pass from one to another, in
 “lieu of barter, which you have heretofore prac-
 “tised, as a full satisfaction, *to which, be it under-*
 “*stood you all agree*, for what you wish to obtain
 “or have to dispose of.” In this way, may we
 suppose, probably however contrary to the fact,
 that money was introduced among men.

Being once introduced, and each having an
 equal quantity, the natural operation of the *di-*
versity of occupations pursued by the different
 members of the community, would be, immediate-
 ly to render it unequal. One perhaps is an agri-
 culturalist, and must wait the progress of the sea-
 sons, for the return of his industry. In the mean
 time, he pays away all the money he has, and
 perhaps contracts debts, for articles of necessity.
 Others prosecute the arts from which returns are
 had, hourly, daily, monthly and yearly. So that it
 is impossible, after the reception, each of his own
 equal share of his money, from the Public Author-
 ity, that it should ever be equal again, among
 them, at *any one period of time*: though the total
 quantity which each may possess in any one, two,
 or three years will be as nearly equal as may be.
 At least such is the purpose of every well found-
 ed society.

Suppose, now, some sagacious, but avaricious
 beings, finding how much the possession of money

is rendered unequal, by the natural and unavoidable operation of inevitable causes ; and seeing how eminently beneficial it is, in the transaction of exchanges, over that of barter ; and having also, in their own hands, by the very action of the causes which they so well understand, an unequal possession, for the time being, of the coin of the country, should, by any means that they may find sufficient to delude the judgement, or corrupt the integrity of the government ; obtain a charter to deal in the precious metals. What might not be expected to take place ? To what calamities to the public, would not such an assemblage of nearly all the coin of the community, into the possession, and under the management, of a few hands, inevitably lead ? Would it not amount, in fact, to a destruction of the coinage ; to its utter banishment from the community ; and to a consequent return to a state of barter ; or, in order to *avoid* such an alternative, would it not lead, to the negotiation of a treaty between each individual of the community not interested in such Charter, and the Bank itself, as it would be called, whereby a *price* would be given, *for the use of that which belongs to the public ; which was made at their expense ;* and which price, but for this *unlawful combination* of accidental holders of the coin in question ; could not, by any possibility be obtained. I say *unlawful combination*, notwithstanding it has a charter from the Government. For it is evidently of that description,

which goes to *injure* the great majority of the community, for the benefit, *the iniquitous and guilty* benefit, of a few; and it is this feature which makes it unlawful. It is as much *unlawful* in its operation, though not in its form; as a combination, *by agreement*, of the same holders for the same purposes would be; and combinations of this kind, all governments have not failed to punish. The principal reason, why charters are sought, is, that government having authorized a combination, the same in principle as a private combination cannot consistently punish a transgression, in which they themselves are, in law language, *particeps criminis*; or in other words, partakers; though stern and rigorous justice demands, that they should punish those who *receive* an iniquitous charter, even, though it be from themselves, as readily as they would any other offence. But the government, if strict justice were done, *ought* also to be punished in a similar way. For the term government, in this case, means simply the public servants. These latter, therefore, as richly deserve punishment, as would the butler of a gentleman, who should give away his master's wine, without authority to do so, to some acquaintance or companion; and it would be singular enough, if this latter should undertake to detain it, from the butler's master, and that on the plea of contract! Nor would the matter appear any better, if another of the gentleman's servants, the hostler for instance, should undertake to play the Judge; and to decide against his

master, in favor of the illegal holder of the wine? Yet a transaction of this sort, exhibits all the features of chartered rights and privileges.

I trust, then, it is apparent to the reader, where society begins as it ought to do ; that Charter or combination, is the only means whereby can be obtained a *price* for the *use* of money ; in other words, interest. And these being both illegal and improper, interest is also.

Let it not be said, that the holder of a piece of coin, is therefore, owner, absolute owner, and has an absolute right to do with it as he pleases ; to withhold it from circulation, if he chooses ; to destroy it. No such thing. He is absolute owner of it, *only within certain limits* ; and these limits are prescribed by his relation with his fellow-beings, through their common government. *This coin was made at the expense of the whole community ; and was and is therefore, their sole property.* The holder has only the *use* of it. And this use is, to supercede the necessity of barter in exchanges. To destroy it, then, or what is the same thing, *to keep it where it cannot be used at all*, is to *prevent* such use, and to frustrate the *purpose*, the declared and *agreed purpose* of its creation. Who, then, has this right thus to counteract, thus to defeat, the *intentions* of society? No one. But it may be asked, may not the holder of a piece of coin, keep it by him, *for any length of time*, without use, with the same propriety that the owner of a plantation, may refuse or neglect, for any indefinite period, no

matter how long, to cultivate it? I answer, certainly. But I reply, also, that neither has this right. The common property of mankind, whenever it is divided equally among them, I mean substantially so, is divided for some purpose; otherwise it would continue to be held in common. What is that purpose? Why, simply, this: that each for himself may employ his industry to greater advantage, by consenting to such division of the common property; and agreeing, one to follow one occupation; another, another; and so on; than he could possibly realize, in any other state of things. Without such agreement, he would necessarily be compelled to supply all his own wants, by direct application of his own industry; and this would leave him in a condition wretched enough. To avoid such an extravagant waste of his labor, he comes into society; and agrees to make hats; if another will make shoes; a third produce wheat; a fourth, bar-iron, &c. &c. and of all these and more, each a quantity, of the articles he produces, beyond his own wants, sufficient for the supply of the wants of others. Here then, is a contract, the fulfilment of which, requires, that *each make use of his faculties and resources for the benefit of others*. How then shall it be said, as a matter of right, that any one may leave his possessions, or his industry, unproductive? It cannot be. Substantially, every man, upon entering into society, agrees, to make his industry and his property, productive of a superfluity, for the use of

others; and others, in like manner, for *his* use. The obligation on any particular person, is not specific, it is true, as to the objects to which the application of such industry and possession is to be made; and the reason for this, is obvious enough; but it is nevertheless *imperious*, it is *substantial*; and for no cause whatever, can it in justice, be suffered to be evaded. This it is, which is the true Social Contract. "You shall supply some "one of my wants; I will supply some one of "yours;" and so each one speaks to every member of the community. Nor was it ever intended that there should be one among them, who should supply no body's wants; no not even his own. Money is necessary to transfer these supplies, from their producers to their consumers; *therefore was it invented and prepared by society*; and therefore, also is the purpose for which it was made, a reason sufficient to forbid its destruction or retirement from use.

But if all these arguments are not competent to satisfy any one's doubts, as to the right he may fancy himself to possess, to destroy, for example, a dollar, which he has honestly acquired, let me present him with another. I have supposed, in the formation of the State in question, that a certain quantity of money was created and issued; and that, thereafter, no more was introduced into the community. Whatever the quantity might be, prices would soon find their level, and maintain it, until some cause should disturb it. If we

go a step further, and imagine that our State has no connection with any other State or nation, we shall perceive that prices would remain without fluctuation ; they would be steady ; and being so, circulation would perform the greatest service for the community, and all its members, of which it is capable. Let us now imagine, that some one, secretly and unknown to the government, obtains, it may be, silver quite as pure as that which the government has issued, and makes an amount equal to it, of other coin, so exactly resembling it, that it is not possible to detect any difference. It passes, therefore, as government-coin. What would be the effect of so doing ? Would it not transfer, speedily, immense possessions into the hands of such a person ? Would it not be precisely the same thing, as if such possessions, were divided off to him in the original instance ? Yet, we all know, in the original instance, the great majority of the community, would not suffer such person, or any other, to have them assigned to him. Nor does the real silver, in this case, happen to have an effect, in any manner different, from that which would be produced, by an equally successful imitation of it by some base metal. It may be more rare, more difficult to be obtained, and thus it may be rendered *less practicable*, clandestinely to increase the circulating medium, but it would not be the less counterfeit, in all the effects which it would produce, and which go to distinguish it from the legitimate coinage, first issued

by the government. Nor, is this transfer of possessions, to the spurious and unauthorized manufacturer and issuer of the coin in question, the only evil attendant upon the illegal introduction of it. By continually varying the quantity of the circulating medium from less to more, after prices have once fixed themselves and found their level; it disturbs such level, and brings about, in the minds of the community, a constant uncertainty of price; and this is, always, seriously detrimental to the progress of the labors of industry.

If, then, the addition; the unauthorized addition of coin, which in every other intrinsic requisite, except that it is not issued by the Sovereign Power, is as good as that of the government, produces such effects, what will not be produced by a contrary procedure? Will it not unfix prices, to *diminish* the circulating medium, as readily, as it will, to augment it? If so, no one can have the right, so to speak, to annihilate his own dollar. It is true, by so doing, he does not, as in the former instance, augment *his own possessions*; but he diminishes them; and transfers the amount of such diminution to the remainder of the community; and *this* he has no right to do, more than he has to do the contrary. Justice belongs as much to himself as to another; and he has no better right to be its violator to the injury of himself, than he has to be its violator in the person of another.

If these observations, upon the theory of the

operation of money, and, particularly, of augmentations to, and diminutions of, its amount, are well founded; it would seem, that all the governments in the world, if they had truly understood their duties, in relation to it, would have declared the precious metals, wherever found, to be public property. In part, such declarations have been issued, and acted upon; whether from a principle of avarice, or from an enlightened understanding of the propriety of doing so; it is not now worthy of inquiry. Spain, subsequent to her discovery of Mexico and South America, at one time appropriated, to herself, one half of the nett proceeds of all gold and silver mines wrought in these countries; afterwards *one third* was accepted instead of one half; and ultimately *one fifth*, at which it continued to remain, until she lost her dominion over them. But the scarcity of these metals, all over the globe, compared with the other metals; the cost, hazard, and uncertainty of working the mines that produced them; the diminutions consequent upon wear, losses in the ocean and other places, where it is irrecoverable; the appropriation of them to purposes of plate, and other utensils; the multiplied demands for them by modern commerce, though a greatly augmented power of production, by means of labor-saving-machines and processes; together with the additional fact, that while the precious metals are increasing, the population of the world is increasing also; all these have conspired to render it impossible, in

any period other than a very long one, consisting of some hundred years perhaps, to produce an augmentation of any more than a trifling comparative amount. Had circumstances been otherwise, government would have found it necessary to have interfered; and to have declared, that they belong inalienably to the sovereign authority; and of course, that they were incapable of private appropriation or possession; or to have fixed upon some other material, as the basis of the circulating medium.

It results then from this discussion, that banks even for the safe keeping of coins of gold and silver, for these only are money, are institutions not to be tolerated in any community, unless it be that they be wholly divested of all private control or management; and have over them, officers appointed by the government, as is the case in Amsterdam; whose duty it should be to receive all gold and silver, which any person may wish to leave for safe keeping; to keep it safe; to enter the amount to the credit of such person on the books of the bank; and to pay it, in whole or in part as the case may be, forthwith to his order, or to transfer the credit of its amount, to him who bears the order, on the same books, and for similar purposes.*

But we live at present under governments which

* Hamilton's Report on the subject of the National Bank, 1790. p. 34.

allow of the receipt of money, for the use of money; in common language, *interest*. That this is altogether, an injustice done to him who pays it, and a crime in him who receives it, will be evident enough, if it is not so already, in the further progress of this work. But as there are too many who suffer under the grinding oppressions which Banking Institutions are inflicting upon them; and who yet consider, for reasons, which, for the moment are satisfactory to them, that they are a blessing to them, rather than otherwise ; and as it is both necessary and proper to undeceive them, it is expedient therefore, to investigate the operation which Banks infallibly have to make worse even the present condition of things.

To understand this operation, we must go back to a period anterior to the creation of any Bank, and compare the state of things then existing to the state subsequent to such creation. If, in that early state, comparatively speaking, (for banks are of quite modern invention, and as far as it regards the greater part of the world, are utterly unknown to them, even now) the rate of interest was allowed to fix itself, as now, in commercial transactions, commodities find their own price ; then it would manifestly be an inroad upon the fair principles of trade, to allow the *lenders*, by means of a charter, or any other process, to combine themselves together, *for the purpose of destroying their own competition*; and thus enabling them, to obtain more of the *borrowers*, than they otherwise could. Such

a combination I have already shewn, whether with charter for its protection, or without it, is as just a subject for punishment, as would be any similar combination of freighters, bakers, butchers, clothiers, &c. ; inasmuch as they are all conspiracies for extorting more from the community than they could otherwise obtain. In their effects and character, they do not differ from a man who should make a garment at a price, such as equal competition compels him to accept, and who afterwards should way-lay his customer, and with a pistol at his breast, compel him to hand forth as much *more* as would make him the master of as much money for the making the garment, as he could have obtained by being one of the combination. And as one is punishable, so ought the other to be, in an equal degree.

But Banks exist, as it regards ourselves, in a country where the rate of interest is fixed by law; and where, *in name*, they do not dare to take more than the legal rate of interest ; but where *in fact*, they do. How is all this accomplished ?

It is sometimes attempted by unthinking men, to say, in relation to the interest taken by Banks, that it is not usurious ; that it does not exceed the limits of the law. Why then, I ask is a Charter wanted ? Is it to allow them to take *less* ? Are the money lenders, when the rate of interest is fixed at, say, seven per cent. apprehensive of insulting the majesty of the law; of trampling upon the rights of *others*; if they should happen to take three

per cent? The matter must be explained on other principles, before an inquiring mind is satisfied.

The truth is, they issue notes of an amount greater than they have gold and silver to redeem with ; and yet promise to pay such notes on demand ! On these notes which they so issue, they receive interest, as though they actually were so much gold and silver : whereas, if they were called upon to loan this quantity of gold and silver, they would be obliged to say ; “ We have it not ; we have only so much.” The usury consists, then, in drawing interest on that which is not money, and *is lent* ; together with that which *is both lent, and is real money*, in effect ; inasmuch as there is specie ready for its redemption.

Thus all the Banks, in the State of Rhode Island, collectively, as appears by some late returns, have lent out, their own notes and have of them, now in circulation to

the amount of	-	-	\$887,969 17
Whereas their specie to re-			
deem with, is only	-	-	357,512, 07

Thus drawing interest on
the sum of - - \$530,357 10
more than they actually have it in their power to lend ; and of course, more than they have lent.

The banks in the State of Georgia, by some late returns, appear, collectively to have in circulation, and of course are drawing interest upon them,

notes of the amount of	-	\$2,243,482 44
While their specie to re-		
deem with is only	-	662,087 65

Thus in this instance drawing in-		
terest on the sum of	-	\$1,571,394 79

over and above what the borrowers actually receive at their hands.

The Chemical Bank in this city, presents greater enormities ; and the Dry Dock Bank, still greater yet.

The former, that is the Chemical, is drawing		
interest on notes of its own, lent out to its customers, and which are now in circulation, to the		
amount of	-	\$155,164 00

And its specie to redeem with		
amounts only to	-	20,094 47

The excess is	-	\$135,069 53
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The Dry Dock Bank has notes in circulation,		
on which it is likewise drawing interest, to the		
amount of	-	\$158,100 00

Whereas its redeeming specie		
is only	-	8,476 55

Leaving an excess of	-	\$149,623 45
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Who is it, that would not understand this usury, if it were presented to him, in the following man-

ner ? That is : let him go in the name and behalf of the whole community, and borrow, of the Dry Dock Bank, their \$8,476, and 55 cents in specie, and give his note for the return of it at a future day ; *and another note also for the payment of interest, not on the specie borrowed, but on a greater sum, in paper, in promises*; a sum amounting to \$158,100. As it regards all the interest which the Bank would have in such a transaction, it would be altogether a matter of indifference, *with them*, whether the *paper, the promises*, or any part of them were ever taken out of the Bank at all, or not. *They*, on \$8,476, and 55 cents, would receive the interest which would become due, on \$158,100; more than eighteen times the amount of money, which they actually lend ! Thus, while this company is doing a portion of the ordinary business of life, connected with the commercial marine of the country, *and so far as this goes*, performing the duty, and nothing more than the duty of good, and useful citizens, on the one hand, yet on the other, they are receiving over 18 times the legal interest on a sum of gold and silver which they happen to have in their possession !

Let him go in the same way to the Chemical Bank, and on their \$20,094 and 47cts. in gold and silver, pay the *interest*, (more than seven times what it should be,) accruing on \$155,164. Let him borrow of the Banks of Georgia, their specie \$672,087 and 65cts : but pay them interest on more than three times its amount ; say, on,

\$2,243,482 and 44cts. Let him last of all proceed to Rhode Island and borrow their specie ; say \$357,612 and 7cts. and paying interest on \$887,969 and 17cts. come home again, and ask himself, if he does not understand how this usury is obtained ?

It would be no denial of all this usury, to say, that no one is obliged to pay it. As long as it is paid or received, usury exists. And, besides, it is a compulsory usury; inasmuch as all the money of the community, that is the gold and silver, is in the hands of these incorporations, or nearly so ; and there are but two things to be done ; one is to go without money altogether, resorting to barter again ; and the other is, to take the *false* money with the genuine, and pay interest on both.

And now that he has done all this; let him reflect that it is precisely the course a private usurer pursues, when he wishes to obtain more interest than the law allows him ; except, that two notes are drawn instead of one. He gives for example, his thousand dollars in gold and silver ; and takes, privately and secretly takes, in the absence of all witnesses, a note of the borrower, for some twelve or fifteen hundred ; as may be agreed on ; paying interest on the whole. It matters not to the merit of the question, in what *form* or shape it is accomplished. The same effect being produced, the same character attaches. Nor does it alter any thing, to say that the private

usurer's note, which he receives of his borrower, does not enter into circulation. For the public good, it is not necessary ; although, even for that, its intrinsic worth is such, as equally to entitle it. Without it, and without also, any of the notes, now in circulation, suns would rise and set ; the wants of hunger and thirst be satisfied ; all the transactions of man, would go on, as well without, as with them ; and the proof of this, is, that before Banks existed, such was the fact ; and that where Banks do not exist, such is the fact now. A Bank, therefore, which lends more of money, than it actually has, or pretends to do so, for it is of such Banks that I complain even as regards the present condition of things, is actually contravening all laws which go to restrain usury ; and ought to be punished, and have its charter broken.

But, the want of circulation, need not be an objection to the private usurer's transaction being considered as of the same character, with the transactions of ordinary Banking. Let now, a Bank be supposed to be authorized, the Chemical Bank, for example, to take its \$20,094 and 47cts. in specie, and add thereto enough of base metal, to make of it, an amount equal to their notes in circulation, to wit, \$155,164. Let these be lent to the Community ; let interest be paid on the counterfeit dollars ; let them circulate from hand to hand ; and, the effect is precisely the same as the present paper system of Banking.

In both these cases it is expected, and the *result* is almost uniformly so, that the borrowers bring them in again, and pay the interest thereon ; and there is no occasion for the issuers, to provide good money with which to exchange them, on demand, if it were even to be admitted they had the ability to do so. Here, also, usury is as plain as the sun at noon-day ; and here, there is no want of circulation.

Besides, a word more may be added as to this matter, of the circulation of Bank notes ; since the apologists of Banking Institutions, when hard pressed for argument, do not fail to resort to it. Let it be understood, then, that interest is not paid to them for their notes, merely because they are circulated ; but, because they are loaned. The borrower may, if he pleases, lock them up in his bureau ; but the Bank of whom he borrowed them, will nevertheless, demand their interest. Besides, if any one is to be paid any thing on account of the *circulation* of the notes ; it is the borrower who is to receive it, and not the Institution of whom he borrowed : for, he it is who circulates them ; and who borrowed them for that very purpose. Otherwise, he would not have borrowed them at all.

But, some are ready to say : “ well, it is in part “ as you represent ; but, may not a Bank loan out “ its credit, and draw interest on that ? ” I answer, no. But if one Bank, or one person, is entitled to draw interest on credit, so also, does the right

to do so, belong to another. Now, if John Jacob Astor, who is able, any day, to buy five Banks like the Chemical, should go to it, and say, "lend me \$155,164;" there is no doubt, they would accommodate him; that is, they would lend him their notes; and he, in return, *would give them his note*, payable at a future day. Now, I ask, why should not John Jacob Astor, receive interest on the note which he gives to the Bank, as well as *pay* interest, on the notes *they give him*? Because, it is said, they are payable on demand. So far as \$20,094 and 47cts, will go, they are; *but no farther*; all else is simply a *promise* to pay on demand; but a promise, likewise, which can never be realized; and, therefore, a *false* promise. It is manifestly a *false* promise, inasmuch as, if the same demand were made on all the Banks, at one and the same time, they could not help one another, to make good the promises of any one of them; and for the single reason that the enemy would be at their own doors too. If, therefore, there is any good reason why John Jacob Astor should not *receive* interest, on all but the \$20,094 and 47cts. it is certainly, because of this *false* promise; for a true one, it never can, and never was intended to be.

So the laborer, for example, or any one else who should have transactions with him, to whom John Jacob Astor should give one or more of these *paper dollars*, in payment for some service: might say, "Sir, this is not money; it is only a

“ *promise* of money ; it is something to which I
 “ may give the *credit* of its being money ; but
 “ nevertheless, until I have it actually converted
 “ into money, I expect interest in return, to be al-
 “ lowed to me on its amount.” No one could ob-
 ject to the propriety of this expectation. For as
 John Jacob Astor pays extravagant and usurious
 interest to the Chemical Bank ; so all who tran-
 sact any money business with him, must expect
 to pay a portion of it. If they do not then, John
 Jacob must pay it all ; and in this event, he would
 not long remain solvent ; he must soon become
 reduced to poverty. It is thus we see how every
 man is made to pay a share of this usury.

It is evident, therefore, in whatever view we
 contemplate Banking operations ; that they ag-
 gravate the evils of the present system of things ;
 and that of course, they are more particularly to
 be excluded from admission into any system which
 looks, in the first place, to the propriety of giving
 to all men, their equal share of the property of the
 State ; in the second place, to the transmission of
 the same equal share to posterity ; and in the
 third, to their preservation from all disturbing
 causes. A State-Convention, therefore, would
 have the power of expunging all permission to
 any Legislature to erect any chartered corporation
 within the limits of the State.

It may be said that the exception I make to all
 Chartered Corporations, would go to divest even
 our City Corporations, of the power, of repairing

our streets, or even locating a lamp-post. There is no doubt very great propriety, in hesitating to give any such body any considerable exercise of power. If it had not been felt to be so, our State Authorities would have given to our Common Council, the power to have collected taxes, from the citizens; to cut through private property for the purpose of making new streets; and to have done many other things, which they cannot now do, without first obtaining the consent of the State Authority. Our Common Council, now, in all the *most important* subjects of legislation, is nothing more than a large committee, as it were, appointed by our citizens, to investigate public affairs; to report what is or is not expedient to be done; and *to ask* of the public power, to give to their requests, their approbation. That they may yet have too much power in their hands, for the public good, I do not doubt. But the view I have been taking of Charters, is of a description dissimilar to these. It was, of Charters, which undertake to give exclusive privileges that I spoke, and not of those which delegate, as it were, to a County, that portion of the Sovereign Power, which takes due care of the roads passing through it, &c. &c. though even, here, care should be taken that such delegation be very limited and judicious. I even venture to hazard an opinion, though I have not I confess, reflected very maturely on the subject, that it would be quite as beneficial under certain circumstances, to maintain the Legislature in

perpetual session, to dispose of even all our County matters; as it is to have them managed as they now are. I know, it would be objected that they could never have time. Nor indeed, would they, if a whole winter's Session, were to be absorbed by discussions on Bank Bills—and such other subjects as are intended to give exclusive privileges:—But if these, which absorb so very great a portion of the public time, were by our State Constitution to be interdicted, even from *discussion* there, as it is very proper they should be, the case would be very different.

In relation to Charters, Mr. Paine says,* “It is a
 “perversion of terms to say, that a Charter gives
 “rights. It operates by a contrary effect, that of
 “*taking rights away*. Rights are *inherently* in all
 “the inhabitants; but charters, by annulling those
 “rights in the majority, leave the right by exclu-
 “sion in the hands of a few. If charters were
 “constructed so as to express in direct terms, *that*
 “*every inhabitant who is not a member of a corpora-*
 “*tion, shall not exercise the right of voting*; such
 “charters; would in the face be charters, not of
 “rights, but of exclusion. The effect is the same
 “under the form they now stand; and the only
 “persons on whom they operate, are the persons
 “whom they exclude. Those whose rights are
 “guaranteed, by not being taken away, exercise no

*Rights of Man, page 202 vol. 2, of his Works, published in Philadelphia, 1797.

“other rights, than as members of the community
 “they are entitled to without a Charter ; and,
 “therefore, all charters have no other than an in-
 “direct negative operation.”

I may apply these remarks and illustrate them by examples very near home. The Brooklyn Ferry Boats or rather their owners, by means of their Charter, *prevent others* from carrying passengers ; whereas they could and would do it, without obstruction, and at a cheaper rate ; but for this Charter. The New-York Gas Light Company, supply gas-light to citizens, within certain limits, and have a charter *to prevent* any one else from doing it within such limits ; although but for this, the consumers of that article, would be furnished with it, *for less money*. The Dry Dock Bank has, among others, an exclusive right *to combine* for the purpose of drawing interest, at the rate of one hundred and twenty or thirty per cent per annum, upon its gold and silver money, *while private persons cannot combine, and can only receive seven per cent*. Nor can this institution pretend that it is justly invested with that portion of the Sovereignty of the State, which resides in the mint, even supposing our State Government to have any sovereignty in the matter at all ; because to furnish the community with a paper, medium *in this way*, even allowing the State, for its own sake, to desire such medium, is to do it under circumstances, which give one lender of money only seven per cent. per annum, and another, one hundred and

twenty or thirty ; a feature of injustice, which goes at once to declare the Charter null and void. Besides, if we ask this company, what is the *consideration* on which they pretend they have the right to draw from this Community, interest on a gratuitous and false sum of nearly \$150,000 ; what will they say ? Why, that in order to make these notes for the benefit of the community, as they are falsely pretended to be, they have gone, in the first instance to the enormous expense, in paper, plates, &c. &c., of \$2,776, and 32 cents, with, in addition, a few annual contingencies ; and that for this, they are to receive, by way of interest, above \$10,000 a year, forever !*

It is against Charters such as this, that my remarks have been directed ; and not against City or County Corporations ; which being confined within very narrow limits, are meant to act on subjects of general interest ; and never on those of private and personal concern ; though, as said before, even this is not to be done, if the sovereign Power, can as conveniently do it, in its own right and action ; and such will probably be the case, whenever men shall have been made equal, as well in property as in other things ; for then, will any and all perceive that it would be, even if they desired it, out of their *power* to obtain the wealth of

* See their Report made to the Legislature, lately, where their contingencies are put down at \$1,730, and 77 cents ; and the other item as above.

others by any indirect exertion, and of course the time of our Legislatures, would not be taken up as it is now, in discussing subjects ; which could not then be allowed to result in any ultimate existence. All incipient operations, for improper objects, and the time they now consume, would therefore, be superseded by occupations directed to honest and useful legislation. And it can scarcely, I think, be doubted, that our Legislative agents, would then find time enough to do, all that is wanted to be done. *Government would then be a plain thing, as Swift says, and fitted to the capacity of many heads.*

Nor can it be said, I apprehend, that because I allow ten or twenty men, as the case may be, to own a ship, or a steamboat jointly, that I contradict my own arguments, against the propriety of allowing charters of incorporation. These associations, it will be said, are essentially institutions of that description. This, however, is a mistake. In the first place, if we are to have an equal possession of property, at all, in what may be called the morning of life, it will happen, that we must own property jointly on many occasions, or cease to have, existing among us, many kinds of property, which we now consider as of the utmost importance. It results, then, of necessity, that these Associations should exist. And, of the kind I am now speaking of, a Dry Dock, such as has a Bank Charter attached to it, and whose operations, in this city, I have made the subject of observation,

is an example. All that we have to do, in ingrafting these small associations into our political fabric, is to see, that we obtain all the good effects we desire of them, and that we take care that they produce injury to no one.

And in relation to the necessity of owning many kinds of property jointly, through the agency of Associations; it may not be without its use, before going any farther, to remark, that there is, perhaps, no kind of business now carried on in human society, in which the number of persons employed therein, would not possess, if the proposed new order of things was established, a sufficiency of property to make themselves, the owners of all that is necessary to carry it on. Thus, a ship has such a number of men, that they, with their amount of property, would be able to purchase and own it. A steam-boat, would, most likely be in the same situation; more particularly if all the persons who are immediately connected with it, by their daily occupations were taken into the account. The Dry Dock, already referred to, often employing its hundred men and more, would be in the same situation. A ship-yard also, and so of large mercantile establishments, with their clerks, porters, and cartmen, and of any other pursuit. And it will not fail to add strength to this opinion, to reflect that the *wives* of all these men will possess as much of property as their husbands, and that this doubles the amount. The persons following any of these various employments; would

most naturally and rationally invest their property, where they meant to exert their industry. And as it is, more or less, necessary, in all pursuits conducted through the aid of Association, that there should be a Principal, a Manager, an Agent, a Captain, &c. &c. these will all be selected by such Association; obey its instructions; and be subject to be superseded by better men, whenever they shall disobey them. I return now to the *political* features of these Associations.

In contemplating their character, we are to consider them, as having two relations; one with themselves individually; another, as acting on, and acted upon by, the community, in which they exist. First, that the Community, or any portion thereof, may receive no injury from them, they are not to be too numerous; that is to say; if the wants of this City, required the use of two dry docks; the same association should not be authorized to own them both. I know there are many who will object to such restrictions on property held by associations; but, if such persons will consider, that by allowing them to hold property, without limit, it would, in fact, be authorizing *all bakers*, for example, to associate their business under the control of one common head and direction; and thus to combine to fix the price of bread; it will be obvious, that such *unnecessarily large* associations, would be adverse to the interests of society. These remarks will apply also, to all other occupations; and, if they

were to be allowed at all, would lead to reprisals, by one occupation upon another, extending, in their operation, even into new aggressions upon the community. If two or more, dry docks were wanted in this City, as already supposed, there should be two or more associations. Nor should the members thereof, so far be composed, of the same individuals, as that the operations of the two or more associations could be controlled or governed by them. Nor, would it be allowable, on the supposition that they were composed in whole or in part of different individuals, to come into any understanding, or contract, therefore, as to prices, to be charged or received by either, from their customers. To suffer a contrary course of proceeding, would be to subject the community, to all the evils arising from conspiracy or combination.

Secondly, these associations must not injure the public by their debts. Every member must be answerable to the full extent of all his property, for the debts contracted on account of the association. But, if a member contract debts, in his own behalf, and not for the objects of the association, only his share or interest in the association, is made responsible for their payment. The other members of the association, are to be kept harmless of him.

Thirdly, as it regards the members of the Association internally, that is, among themselves; the majority is to respect the rights of the minority;

if they do not; the Great Common Authority, that presides over all, will have the proper power to require it at their hands; and so of any member.

Organized in this manner, associations could not fail to be productive of all the good effects which we might have a right to expect of them, and to be divested of all the evils that an abuse of power might be fraught with. Sale would be made of the entire property of an association, whenever all the shares were purchased; and to do this, would require the consent of each and every member. Majorities could not make transfer; they could only direct the method of employing, and using the property, and this only, with strict regard to the rights of all, and subject to the supervision, whenever any one of the association should require it, of the supreme power.

The present Constitution, is objectionable on another ground. It undertakes to give privileges, and inflict disqualifications on religious considerations. It is necessary, therefore, that a new State-Convention to remodel it, in this respect, should be assembled. If there is any propriety in considering all mankind as equal in the estimation of the Creator who made all, it is certainly of importance, that the work of man, for such is government, should not contradict this equality. He who causes "rain to fall on the just, and on the unjust," who has made this earth alike for all, could not certainly, be expected to sanction such a

constitution of government, as on the one hand, would give to every man his equal share in the property of the globe on which he dwells ; and on the other ; take it away by the operation of exemption from contribution, and equal contribution, too, to the public wants of that very community, which *guarantees* to him the possession of his just rights in society. In a community of men, of equal possessions, and who hold them by rights inherent in their very existence, how absurd, how revolting it would be, to see a Constitution, as the present one does, speaking of exempting men of a certain description, from bearing arms ; and of paying an equivalent to the State in money ! In the name of all that humanity can invoke, what is the sum which is the equivalent for life and blood ? How strangely, how shockingly perverted does the human understanding exhibit itself, when such a comparative appreciation of money on the one hand, with life on the other, is found on the pages of the Constitution of a free people !

The truth, the whole truth, and nothing but the truth in all this business, is this : That there is no natural reason why any particular person should receive his equal portion of this world's property, in any particular section of it, in the State of New-York, for example, more than elsewhere : but, on the other hand, there is no natural or reasonable power to forbid his proportion being given to him here, *provided he is willing to do his equal share of public duty, in kind and quantity, in treasure and*

danger. Otherwise there is. Otherwise there would be hazard of injury, even to subjugation, not only to him who fails in this duty, but also to all others. These others, therefore, have manifestly the right to expel him from their society, who will not contribute to the public defence with his blood, if need be, and to associate with them, another in his place, who will. They possess this right, on the principle of self-defence. And, if on the same principle of self-defence, against a foreign enemy, a man is unwilling from any motive, to fight for his property and his liberty, he cannot have much cause to complain that his *countrymen* have dispossessed him, and ordered him out of the country, before the enemy has had time or an opportunity to do it, for him. To him it can make little difference, by whom the deed is done. He who will not defend his property ; and in such manner as the government of his country prescribes, *has abandoned it already.* Tell us not of the rights of conscience. He has no conscience, who, in the first place, would *abandon* that which is truly his own to the invader, and then, after it has been defended against the enemy, by the blood of others, *would come and claim it again!* He has no conscience, who desires to hold *his own* at the expense of the blood and treasure of *another* ; and is of course entitled to no other treatment under the laws than that which is meted out to every other citizen.

Inasmuch, therefore, as the principle of equali-

ty is to be preserved at all hazards, no man is to be suffered to remain a citizen of the State, who contravenes that equality, by refusing to do his duty, in a point so essentially important as that of the public defence.

It is the same principle of equality also, which forbids another to be ineligible to, or incapable of holding, any civil or military office or place, within the State. Of what avail is it to say, "that by his profession, he is dedicated to the service of God, and ought not to be diverted from the great duties of his function?"* Legislation has nothing to do with men's motives. It makes no inquiry into their speculative opinions. It is directed to promote the public welfare, by preserving their equal right to the reception of property, in the first instance, and to its preservation afterwards, and to the preservation also of *the equality of personal rights*. Yet how is this equality to be maintained, if, in time of peace, in order to qualify myself to be useful in time of war, I must, at my own expense, give up five days of the year, in disciplining myself in the *art* of war; while another, who is, and calls himself a priest, is wholly exonerated from performing a similar service? Undoubtedly, it will be admitted, that he is a good citizen, and that all are good citizens, who thus qualify themselves for the public defence, when the public exi-

* See Constitution of this State, Article VII. Sec. IV.

gency requires it. Is it to be said, then, that any man shall be exempted from a necessity thus to perform the duty of a good citizen? And in justification of such an exemption, shall it be said that the "service of God," or any other unmeaning term, requires it? Inasmuch as all men are equal; if the "service of God" is to exonerate one citizen from the performance of any public duty no matter what it may be; so will it exonerate another, and so will it exonerate all. A priest is but a man; his duties to God and to man, are the same as those of other men; neither more, nor less; he, therefore, is entitled to have measured out to him, the same law of eternal and immutable justice. Beside, if religion were not wholly a private and personal affair; if it were not as it is, a matter between man and the Being, who, he believes, has made him, and in which government has no concern; either to favor the priest or otherwise; or in which it has no right to interfere, in any way, manner, or shape, whatever, farther than to require *of him also the fulfilment of his duties as a citizen*; I might easily ask, what is meant by the "service of God?". If the expression were applied to man, I should readily understand it. I should understand as any and every man does, that such "service" was something, whereby the man profited; whereby he benefited; by which his condition was made better. But, how are we to understand it now? Is a priest capable of making better the condition of the Almighty? Is the

Supreme Being to receive benefaction from the work of his own hands? I am persuaded the weakness of no human being, is so great as to admit of any such absurdity. And if it be said, that it is meant that the condition of *man*, that is, the *priest himself*, is to be made better, then is it quite another affair, and is no more entitled to consideration, than is any and every other avocation, of any and every other man in society. If, therefore, any man must discipline himself in the art of war, *so must the priest*; if any man must march out to battle and to death, in his country's service, *so must the priest*; and every other citizen. There must and can be no exemption. The equal rights of all require it, and the private wishes of a few, cannot be allowed to evade it.

So much as regards the military. As regards ineligibility of the priest, to civil office, it is a disqualification which operates as an oppression upon him. It is manifestly unjust. Nor does it pluck out the sting of injustice, to say, that priests do not desire it. History shews abundantly, that the time has been, when they did. Besides, let us look around us, among the nations, now, and see, if we can find no priests exercising civil power. Nor is this all. By the presence of such a disqualifying clause in the constitution, the people, the Sovereign People, are prevented from choosing a priest for their civil officer, even, although ninety-nine men in every hundred should desire it. Claiming to be supreme over their own

affairs, they have yet fettered their own supremacy, so as in this instance, to render it nugatory. These fetters present an extraordinary appearance. They do, in so many words, declare that the people, being fully free, and having all power in their own hands; yet nevertheless, *dare not* allow themselves to exercise it, without restrictions. This is not true freedom. Men should be bolder. And, when they are *truly* free, they will be. If there be a class among us, who inspire awe and terror, whenever it is supposed they may aspire to the possession of office; it is time, high time to dissipate such awe and terror, by coming into collision with those, who are the objects of it, as often as possible, at elections and elsewhere. And this is the only way; at least, it is a very efficient way, in which it can be done. If clerical gentlemen should be ambitious of civil honors; give them the opportunity, for it is their right; and my word for it, in a few years, they will lose whatever of undue influence, deference, and respect which a blind attachment to them now, on the part of many, is frequently disposed to accord to them. If they should not desire office, the restriction now existing would be of no avail.

Nor, should it be said, after all, that the priest and the community, are about equal; that the disqualification for civil office, balances the exemption from military contribution of personal service. This equality is not to be presumed; and, for the obvious reason, that it cannot be

known. Besides, it is not the business of government, to make a traffic, or a system of exchanges, in rights of any kind. Each is entitled to all and every that belongs to him, and cannot, by any operation that is just or equitable, be forced into a system of barter.

It is proper to abolish the State Senate. Two Legislative Bodies having a negative upon each other, in the enactment, modification, or repeal of laws, present the extraordinary phenomenon, in a government that pretends to consist in the will of a majority, of contradicting this will, in their Halls of Legislation. One, and it may be, the larger body, may give its *every vote*, in favor of any measure, and yet a majority-fraction of the smaller body, (the Senate) defeats it altogether! The will of the *smaller party* of the whole number of Legislators, is made to be superior to the will of the *greater party*! It is time to expunge such an enormity from our Constitution. *In no case*, may the minority rule; either to defeat the enactment of a new law, or to prevent the repeal or modification of an old one! Both cases frustrate the public will, as well by a negative as a positive action; and the one is no more to be tolerated, in a country where equal rights are intended to be preserved, than the other. Besides, how extremely ridiculous does it appear in a community of citizens, to appoint agents to manage their public concerns, and then order them so to conduct themselves, as that they may not be able to enact

the *very* laws, which, if they were submitted to them, in the first instance, the people themselves would be sure to adopt ! Not less so, however, than it would be, for a government to send two sets of Ambassadors to a foreign nation, with orders to each to make such a treaty as it should think proper, and then to return, with the result of their negotiations. If they should happen to be *alike* ; a treaty is made, that is to have effect ; otherwise, it is to be a mere nullity. Nations do not conduct in this manner, in their intercourse with each other. Nor should they with themselves.

I do not stop to answer a multitude of *reasons*, as they are called, that have been offered for contravening the great principle, that a majority is to govern. This great principle being preserved, preserves to man the means of defending his rights : without it they depart immediately, and leave him a slave to others, beyond the hope of redemption. Renounce the rule, for once ; and calls will never cease to be made for more renunciations—till at last it will come to this, that a single individual shall govern the whole human race at his absolute will and pleasure. There will be no permanent medium. It will be in vain to say that the people appoint all ; and that therefore, they are safe. It is not so, especially under the present condition of things. For after they *have* so chosen their Legislators ; there is among us a class of Aristocrats, who have the means of

corrupting them—which they do not fail to use :— and every one sees that it is easier to corrupt a few, than it would be a greater number. If it be said that in single Halls of Legislation, majorities are sometimes too hasty and inconsiderate; it is admitted. That is, the *fact* is admitted, but not the inference. Whole communities, particularly at periods of election, become excited—and under the influence of the excitement, often do that, which in their better and cooler judgment, they would not have done. Yet what a strange remedy, for the evils growing out of such excitement, would it not be, to provide for the division of the whole mass of voters into two classes—one very large perhaps, and the other very small—with a negative on each other ! In such an event would it ever be possible to choose a public officer at all ? This would be ruling by minority with a vengeance ! But still, not more so, than as at present happens.

But at the same time that single Halls of Legislation, may be occasionally too hasty and inconsiderate ; they may also be corrupt. Both would be offences, injurious to their constituents ; but let them be ready to give an account of their conduct, and to receive the measure of disapprobation or punishment which that conduct merits. It is the *apprehension* that the Legislator must *meet* this responsibility, that is the true corrective of the evil complained of ; and not the oversetting the fundamental principle, that a majority is to govern in all cases whatever.

Distributed as property now is, and ever has been among mankind, it has been a matter of much indifference with men having none, who were the judges appointed to administer the laws, in relation to it ; who appointed them ; what was their term of office ; or what were the principles of law, by which they were guided in their administration. In a new state of things, such as that I now contemplate, this indifference vanishes. All men having an equal amount of property, especially at their first entrance into mature life, will have an equal interest in all these questions. The appointment of judges of every kind, will therefore, of course, be ordered to emanate, directly from the people without the intervention of any appointing power, as is now practised ; they will be limited to short and stated periods of service ; and will adopt principles of law, in their administration, which shall be furnished to them, by the community, and drawn from the elements of their political edifice, instead of being borrowed as now from the usages of barbarous and stranger nations. To effect this reformation, in connection with the many others which I have already mentioned, it will be necessary if my propositions are ever to be acted upon by the people of this State, to assemble a new State-Convention.

So much have I offered, in justification of the necessity of calling a State-Convention, as a previous step, in any attempt which may be made in our State-government, to give to every man his

equal share of the property within our limits. It has necessarily occupied many pages, and required much of the time and attention of the reader. But I trust it has not been without profit. If ever an equal division of the whole effects of this State, is to be made among the citizens ; and if ever the succeeding generation is to be allowed to have their proportion, as they come to years of maturity, as it is their equal right they should ; it is only to be done so as to be of any value, or importance to them and to us, by shutting out the operation of all those causes, which would go to destroy such equal division almost as soon as it was made ; and which even in the present condition of things, is constantly tending to aggravate, the inequality of property at present existing. As, on some occasion, Mr. Pitt,* in his ill humor, observed of the duration of republican government, founded upon the principles of the rights of man, that if such a government were erected at noon ; it would be dissolved before night ; so also would it be with the equal rights of property : if division were made at noon, it would be disturbed and destroyed before night ; if the destroying agents of charter, monopoly, privilege, ruling by minority instead of majority ; &c. &c., were not first put out of existence.

* See "Mr. Paine's Letter to Mr. Secretary Dundas," Paine's Works, vol. 2, p. 327.

The reader will bear in mind, that I am offering my sentiments, and propositions to his consideration, on the supposition that he is desirous to come at the truth, and to receive and adopt it, however much it may be at war with his present opinions. If *he* be not possessed of this candor of disposition, it will be well for him to know, that a majority of mankind *are*; and that if they shall believe after having heard me through, and understood me, that I have marked out the path that leads to their happiness, and to the *greatest* happiness of which they are susceptible; they have the power to *enforce* his submission to the adoption of a system, which he has not the honesty to treat with the candor which justice demands at his hands. It will be of little use, then, for such person, or any other, to object to an equal division of property and to support the objection, after the manner of Mr. Pitt, by any ill-natured remark, such as that if, at noon, it were so divided, even upon principles, as perfect as I, or any one else can find it in my or his power to name or to wish, it would be unequal before night; and thence to make the inference that such a division ought not to be made at all. The time has been, and now is, in many countries, where by the law of the land, the oldest son inherits the whole of his father's estate, with an unimportant exception; his brothers and sisters receiving nothing. In this country, where wills do not otherwise order, the whole estate, real and personal, is divided equally

among sons and daughters. Might not the same man who objects to my proposition for an equal division of property, among *all*, object also to this equal division of the father's property among the sons and daughters? Might he not say, with equal truth, that if it were so equally divided, at noon, it would be unequal before night; and thence infer, that such an equal division ought not to be made? Might he not as truly say, that it was manifestly better to give it, *all at once*, to the oldest son, and leave the rest of the family, in poverty, and dependance upon their older brother?

There has been a time in the history of this country, and that not very far distant, when the eldest son, received a double portion? Would not the same argument apply here? Since property, according to the estimation of some who pretend to understand this subject, has a natural tendency to inequality; therefore, it would be better to leave this oldest son, in possession of this double share of his father's estate, than it would be to divide it among all his children equally. According to this doctrine, it is right to *promote* and *increase* the action of what it is thought impossible to prevent. Thus if murder sometimes happens, it is argued that it arises from some natural and original tendency which government, it is pretended has no power to prevent? The argument goes to say, that government should increase the commission of this crime as much as possible. So, because, in the opinion of any one, no matter how

he has imbibed such opinion; no matter whether such an opinion be well or ill founded; I say, because such person *thinks* that property naturally tends, *under any, and all circumstances*, to inequality; *therefore*, it is correct to make such inequality, or suffer such inequality, (for it is the same thing) to be, as great as possible. Thus, you must not only give to the oldest son, twice as much as to any other son or daughter, but you must give him *the whole*; and to carry out the argument, since among all the oldest sons to be found in any country, at any one time, there is the same natural tendency to inequality among them, *even if they were all equal*, it would be equally proper to select some one of these oldest sons, perhaps the oldest among them, and give *him* all that belongs to the whole fraternity. Thus should we see the beauty of an argument like this! The whole world, on this principle, would come into the possession of one man: and he would be the owner of his fellows, just as now any man may own a tree that grows upon his soil!

It is, therefore, manifestly unjust, to object to an equal division of property, where there is a system accompanying it also, for its equal transmission to every individual of every succeeding generation, on any such ground as this. Besides, it goes upon the supposition that this supposed tendency is a fact. It assumes, that, under the new system, the same causes would exist, which in the old systems have produced inequality, and

would likewise continue to produce and promote it in the new. If the objector and myself are to be considered, as looking upon this inequality as an evil, and one which ought to be remedied; then a few plain questions, being answered between us, settles the matter in this point of view for ever. If property be distributed equally among the children of any father; is it not much more probable that it will remain and continue equal, than that it could be made equal afterwards, if it be distributed unequally in the first instance? On the one hand, depressed by poverty and its ten thousand attendant evils, is it to be hoped, is it to be expected, is it to be believed, that these non-proprietors, can ever acquire property? As a body, they never can. One or two in a thousand, may; and even these, more frequently than otherwise, by way of a sort of exchange. Thus the foolish habits, and ignorance of the rich on the one hand, and the arts of knavery on the other, which the designing practice upon men who come into the hereditary possession of estates, are made effectual, sometimes to transfer these estates, to those who have little or nothing; but still the inequality exists. There is a change only as to those who are the proprietors, and those who are not. If then, by making property unequal, *in families*, it has been found, that an immense majority of such families continue to be poor, and miserable for ever; was it not a very important improvement in legislation, which ordered property to be

divided equally among all a father's children, where he had not ordered otherwise? Are not such families, the oldest sons, as well as others, much more happy, under such a distribution, than they were under a system, where the principle of equality did not prevail. If any one doubts, let him ask himself, if he would consent, to bring back the old condition of things, if it were proposed to do so? Would he say that the oldest son, once more, should have all? Would he say, that he should have a *double portion*? Would he or she say, that the sons, equally, should have two shares, and the daughters only one? *The oldest son*, where he had an interest to do so, *might say it*, but what would be the opinion of the others? If property, being unequally distributed, produces so much injury as it is known to do, it is because it is unequal; and not because any *particular person* is to have the larger portion or the whole. Thus in the supposed proposal to bring back the ancient condition of things, wherein one should have all, or more than any other, *if it were to be determined by lottery*, who such particular person should be, to be drawn after they had resolved upon dividing estates upon the ancient unequal principles in question, it is very certain, that the old system, would not be suffered to be disturbed. It would rest in peace; for men, as they now understand their rights and their happiness, would not consent to bring it again into existence.

The universal sentiment of mankind is opposed

to inequality, as well in property as in other things. Never, since man has existed, has there been found a human being, who has thought that an equal share with his fellow-beings, was likely to be, or by any possibility could be, an injury to him. Not one of all those persons who have received their equal share of their father's estates, since the laws have been altered so as to admit of it, can be found, or has ever been known, to consider such equal portion given to him, as adverse to his rights or his happiness. No such person has ever thought that it could be opposed to either, and has, therefore, sought to preserve, and add to the patrimonial gift, rather than to throw it away, as a curse to him. All this, is evidence of the deep importance of equality, to all who are permitted to partake of it. It is unimpeachable evidence, inasmuch, as if any such person had existed, who supposed this equal share of property to be an injury to him, he had in his own hands the remedy. He had only, freely and immediately to give it away, without receiving any return therefor. Nor since the existence of man, has there ever been a time or a place, where such gift could not find acceptance.

I know, very well, that there will not be wanting thoughtless, as well as captious men, who will contradict these positions. They will tell me, that every day and every where, there may be found men, who will *confess*, that the giving to them, their natural share of property, would be

an injury to them. And they will endeavour to convince me of the truth of this confession, by saying, that such are their habits, of intemperance, perhaps, that whether they accept it or not, it would be better for them not to possess property, than otherwise. But, such persons deceive themselves. It is not the *property* that would injure them, but the *habits* which the vicious system of inequality in which they live, has impressed upon their feelings. Let these habits be eradicated, and it will then be evident, that the objection rests on a foundation which cannot support it.

In the multitude of objections which will be raised against the introduction of the system which this work presents to the consideration of my fellow-citizens and others, there will be one like this. "The present distribution is good enough; it is better than any other; inasmuch as it is necessary, even for the poor, that there should be both rich and poor in society; and that if it be ordered otherwise, the work of society cannot go on, as prosperously as it does now, and of course, the whole community will be sufferers. That the evil which we think we are laboring under, is imaginary; that our actual and common sufferings will be greater, after the proposed change than they are now; and that it will be better, therefore, to leave things as they are now, than it would be to alter them, &c. &c."

Let those who shall make such objection take consolation. Although the system I have marked

out, (See PLAN, Article, 18, p. 143) forbids any one to give away his property to another, under high and severe penalties ; for reasons which, if they are not already apparent, will be made so, in the progress of this Work ; yet, the State itself, may, if it pleases, after a General Division has been made, consent to accept his patrimony from any citizen who shall declare that he feels it to be a burthen to him, and an injury to the State ! If a number of men can be found to do the same, such as to be equal to the number of men without property now existing among us, then there can be no fear but that the State, under its new organization, can and may derive all the advantages which any community can be supposed to derive, from having in its bosom such a numerous class, of poor, dependant, and wretched human beings ! It will besides, have this additional advantage ; that, *in the case we are supposing*, the poor, will be *poor of choice* ; they will be *volunteers* ; *patriots* in the cause of their own happiness, and that of their common country ; and, of course, *reconciled, contented and happy*. If they are not so, it will be their own fault. Nor, is it by any means impossible for government to be able to accept these patrimonies, *if they should be so offered* ! Canals, Roads, Bridges, Public Works, of every description, will ever be wanted as long as the State shall exist ; and these could be carried to such an extent, as to absorb all that could possibly be presented to it, *in this way* ! If it

should turn out, that a sufficient number of men, after a General Division had been made, should not be of opinion that such a dispossession, by themselves, of *their own* patrimony, would be beneficial to themselves, and the community ; such as to amount to the number mentioned ; it would not indeed, prove the doctrine maintained to be false ; but it would be evidence, very strong, that its correctness was very much to be doubted ! Still, however, if a *majority* should not happen to be on the side, of thus voluntarily creating an extensive class of poor men, and should prefer, as far as themselves are concerned, that equality of property should prevail ; whatever the minority might be, they could still consult their own views and feelings without in the slightest degree being opposed by the majority ; and, we should have the uncommon phenomenon of a majority and a minority, in a republic, agreeing to differ, and still acting in perfect accordance with the views of each !

Let the rich man, therefore, console himself ; for he it is, I presume, if there shall be any one, who will object to the equal participation by all in the property of the State ; I say, let him console himself that in the new order of things, he will have abundant opportunity, voluntarily to taste the sweets of poverty and dependance, if there be any such ; and to recommend them to others by his own experience. Indeed, it occurs that even now, it would be well, among all who shall object, *on*

this account, to the introduction of this system, if some one would give us an example, in his own person, of such an act of self dispossession. There is no law to prohibit it ; nor any difficulty in finding those who will receive property thus tendered to them. Let the rich man, *now*, if he will, give up his property to some one of his fellow-citizens, a poor man I should prefer ; and let them both make an experiment ; one to say how much of evil there is, at least, in a competence ; and the other, how much of good, in entire destitution and poverty. Let them do this ; and I engage to believe that *one* of them will not fail to be the wiser for it.

It necessarily follows, that objections of a great diversity of character, will present themselves to persons of very honest views, as well as others, to the proposition to equalize all property in the State among its citizens ; and a prominent one, among the number will be, that if it be made equal to day ; the jack-tar, and the son of the richest man in Broadway, will have equal portions ; and, that they will both go, in the prodigality of habits, in which a most pernicious system of government has educated them, and squander them forthwith, and thus again reduce themselves to poverty. Of what use, then, would it be, say a multitude of men, who are more ready to look for objections, to any system that may be proposed, than to search after remedies, though easy to be found ; of what use, say they,

would such a division be? I answer much. Besides, the question is asked as if there were not immense multitudes of men, in a community, other than the jack-tar, and the gentleman's son in Broadway. Is it of no consequence to these, that they should have their rights? Are they not to have accorded to them, what *belongs* to them; what is so *necessary* to them, their welfare and happiness; merely because the present vicious system of holding and transferring property has rendered worthless a portion of the low in life, as well as the high? What would be said, now, of a proposition, to disinherit *all the children* of a father, merely from the fact, that one of these children might be a prodigal and a profligate? Yet, such is the objection that is made to the giving to the whole community what belongs to them; and what no man can dispute as belonging to them; merely because it would do no good to a being, or a few beings among them, already ruined by the vices of society. There can be no doubt, that it is to the influence of these vices, generated by this unequal condition of things, in regard to property, that we are to attribute the existence of this class of heedless and improvident men. For if, on the one hand, the system of the rights of property, had not been such, as to enable the father to have obtained an unjust, an overgrown, and more than sufficient wealth, he *would* not have obtained it; and his son, from his earliest years, would have been accustomed to rely on his own exertions,

instead of living on the means acquired by his father, for his present and future support. His habits would have been, of a better and a higher order, and necessity would have called upon him to exercise his own faculties, for his own subsistence. Other young men of his age, would have been in like condition; so, that both the motive and the opportunity would have been wanting, which are necessary to work that moral ruin, which we every day observe in wealthy families. On the other hand, an original want of property, in numerous classes of society, with the consequent relation it holds with the other class, has led to the formation of the other and opposite description of character.

It will not be proper, therefore, to object to an equal division of property, on account of some persons in the community being unfit to receive it. This would be to place the happiness of the *many* upon a contingency of a most extraordinary character. The proper course to pursue, is, as far as regards those who are not qualified, who are *decidedly* and *manifestly* not qualified, to take proper charge of that which shall be assigned to them, to place it in the hands of trustees or guardians for their benefit. This is what happens every day in many governments as now constituted; and it would be equally proper in this. It is a remedial operation; useful to correct political vices, already engendered; and which it is better thus to adopt, than to suffer the greater

evil which would take place without it. With this remark, let us close the present chapter, and resume the subject in our next.

CHAPTER VI.

REASONS

In support of a General Division of property, and of the means pointed out for effecting it ; continued.

There is no opinion more erroneous, nor perhaps more generally entertained, than that if you destroy the power of making wills and of course of making disposition of estates as to the future, you thereby destroy all incentive to exertion, or industry. It would be like gathering the wheat from the field, it is said, of the farmer who has raised it, and leaving only the stubble. This opinion deserves to be deeply investigated ; and when it is, I apprehend it will be found full of errors. When put in proper language, it says, that a man works for his posterity and not for himself. Let us see how this is. I can speak for myself and others can judge, from their own bosoms, how far *my* feelings coincide with their own. I like property because it gives me a house in which I am protected from the heat of summer, and the cold of winter, and the storms of both ; where I can receive my friends and accommodate my family.* I like it, because it covers my floors with carpets ;

* On the principles which this Work advocates, however, these will have *their* rights guaranteed to them as well as others.

gives me looking-glasses and side-boards : because it furnishes me with chairs and tables ; books and maps and papers. I like it because it furnishes me with clothing, and with food ; and provides me with the means of prosecuting distant journies on pleasure or business ; and guarantees my return ; because it furnishes the paper I write on, and will provide for the means of publishing this Work to the world. These, and a thousand other reasons, all pointing to my own personal gratification, are those that form my attachment to property ; and I can truly say, that if I can see, as it regards the future, that all those who are to succeed me will have the means to make their own condition better, than I can make it for them, that I have and ought to have, no wish to interfere, in any arrangement or disposition which they may wish to make. It is evident, therefore, that I like property *for its own sake* ; for the coals in places in my grate ; for the roast beef it puts upon my table ; for the medicine and comfort it gives me when I am sick ; for the carriage it gives me when I do not feel disposed to walk ; and for the means it affords in a thousand different ways of giving me pleasure, comfort and happiness, without so much as a thought entering my mind, that I entertain this attachment to property, for the benefit of another.

If then, there is, as there evidently is, such an innumerable multitude of causes of attachment to property, *for its own sake*, and causes which must not only exist as long as man shall exist, but which will continue to increase as artificial wants increase; there can be no danger of a proper want of incentive to industry. Besides, when we hear men saying that they are gathering wealth, purely for the love they bear to their children, are we sure they do not deceive themselves ? Are we sure they do not mistake, the love of property, *for their own sake*, for the love of it, for

their children's sake? How does it happen so often, that parents retain possession of their property, till very late periods of their lives and indeed almost always, until they have ceased to be? Surely if we suppose there really is, as much attachment to property, among parents, for their children's sake, as is now pretended, we should oftener than we do, be witnesses of such parents giving to their children a full and sufficient patrimony, at their first setting out in life, when, if ever they are to have it, it is capable of doing them most good. As it is now, nothing is more common than for a man of fortune to die at the age of eighty; and, then, for the first time, to give to his children, the property he has acquired. The oldest of these, in some cases, may then be sixty or near it; and may have raised a family, the youngest of whom may also have a family. Of what use is a descent of property in this way, at all, if a better system can be devised? Surely the tenacity with which men cling to property; a tenacity which nothing but death itself can conquer, can have but little claim to be considered as evidence of any thing but the owner's attachment to it, *for its own sake, and for his own use!*

But if all these reflections do not carry conviction, what shall be said, when we see, as we do every day, men eagerly pursuing the acquisition of wealth, who never have had children, and never expect to have? The attachment they have to it, is *not less* certainly, than that of any other description of people among us. Is it to be said, then, there is not in the constitution of things, in man's nature, and the circumstances with which he is surrounded, enough to stimulate his industry to the proper degree of activity?

But let us proceed a step further. It is still insisted, that this attachment to property is, so intense, in all cases, not so much because its possessor may desire to give it

particularly to children, but because he may say who the future owner shall be. I have already shown, as I think, that the true cause of this attachment is to be found in the individual man himself, in the adaptation of property to the gratification of his own wants, *and is due to no other source*. But, by way of illustration, I might show, that it is likewise true, that if I were a traveller (and obliged to be so from stern necessity) in some foreign country, and knew, that in some period of my travels, I knew not *when*, I should be attacked by robbers and ordered to dispossess myself, of all my treasures, *with the permission however, of saying to whom they might belong thence forward forever*, that, here, I should stand, precisely in the situation of a man who is acquiring property, knowing that he is yet to die, at some uncertain and unknown period. The mere circumstance, of my having permission to say to whom these treasures shall belong, when the time arrives for me to surrender them up, would not, *of itself*, be a sufficient inducement to amass these treasures; if I did amass them, there must have been some other motive. Thus, why should I toil for years and years; to obtain these treasures, when all that I have to do, is, *not to amass them*; but to meet the robbers without any. Thus is it the case with the dying man. If he has amassed treasures, during his life-time, he has done it, not for the purpose of having it in his power to say who shall have them when he must give them up, when death approaches him as the supposed robber does me, and orders him to surrender all; first naming his legatees; but, because they were *valuable to him* in his life-time; because the period of his death was uncertain; because he had fears of being dispossessed, in whole or in part, by incidents over which he might have no control, before he should die; and because all these circumstances created a habit of being to-

nacious of property, which time rendered more inveterate and confirmed. If any thing further, were wanting to shew the singleness of purpose, with which the acquisition of property is pursued, it may be found in the fact, that many persons, towards the close of life, are known, greatly to hesitate in their choice of heirs ; particularly those who have no children, and who, therefore, find it difficult to please themselves, in their selection.

It is to be said for the honor of human nature, that there are abundance of instances, in which parents have given to their offspring, *as well as to others*, property with which to commence their career in life ; if it had not been so, the dark side of the human character, would have been darker yet. That such parents have had their *cares* augmented by the wish to bestow something on their children in the morning of their lives, is no doubt true ; but, it is not equally true, that had some other person, the State, for example, made the same provision for them, that they were able to make, that their *industry*, would have been less. Their *cares and anxieties*, for their own welfare, no doubt would have been ; but their industry would have received a fresh impetus, by the increase of power they would have felt, to have, added to their enjoyments, by new gratifications. It is not to be expected then ; it is not in the nature of things, that man shall cease to have a love, a very strong love of property. That it is possible to be carried to excess is certainly true ; and the proof is, that men, in order to possess themselves of it, are guilty, in the *present* state of things, of the greatest crimes and enormities, although those who are guilty of them, are often already in the possession of great quantities of it ; and would therefore, seem to have very little to offer in palliation of their conduct.

But let us grant, for a moment, that a dying man, has

obtained the property he has bequeathed to some successor, solely, or even chiefly for the benefit of him who receives it. What is the bequest intended to accomplish? Treasures, it may be, have been lavished upon the successor in question; yet it is possible, that he may receive them all, and have them subject to any disposition he may order; and still, not derive from them the benefits which the legator and legatee both may have expected. Suppose the legacy to consist, of houses in cities, lands in the country, fitted and prepared for cultivation, and money. Strike now, out of existence, all the poor men, all those who labor, and by their labor support the human race; and then let me ask, where is the value of the legacy? Where would be Lorillard's hundreds of houses? Without men, and poor men, too, to come and occupy them, (for rich men have their own houses), where would be the rents, that he now draws from them? Of what use would the farms be, with no one to hire them, and pay the hire required for their use? Where would be found borrowers to pay interest on the money? The truth is, when Lorillard shall die, and leave a legatee with his vast possessions; at the same time that he shall will away, his houses, and his lands, his money, his snuff and his tobacco;* he will *will away*, also, hundreds and thousands of poor men along with them, to make them valuable to his successor; otherwise they will not be valuable in the way in which they are intended to be; *for they are intended to enable their possessor to live on the labor of others*; and those others, of course, must be those who have little or no property. Let the poor man look at this operation of things; let him understand, that every generation of proprietors, wills away

* It is proper to say to those who may not know it; that this gentleman is a large and respectable tobacconist, in this city.

every generation of the poor, like so many cattle ; and that under the existing order of things, there is no more possibility of avoiding this sale, or rather transfer of their bodies, as it truly is, than there is for the slave at the South, to escape being sold on the plantation of his master, if he shall so order !

But if the transfer of property to successors, by way of will, as it evidently is, is attended with such effects; how glaringly erroneous will appear the common and prevailing idea, that parents employ their industry for the *future* support of their children ? If, indeed, it could be said, with truth, that any parent, provides for his children, for example, as many breakfasts, dinners, and suppers, as they may need during their lives ; if such parent provides for them, as many hats, shoes, and other garments, as they may require ; if he supplies them with houses, furniture, fuel, and every thing else, that their animal and intellectual wants may demand ; *and all these out of his own personal labors* ; then, it might truly be said, that he *had* supplied the future necessities of his children. But, if he has not done this ; if he has only left behind him an estate, (and left it, certainly, for the same reason that a traveller leaves the road behind him, because he cannot take it with him), then he has not supplied the *future* wants of his children. *They* must, either work for themselves, and supply their *own* wants, out of *their own* labor ; or the poor, who live at the same period with them, must do it *for them*. If the estate is large, the children who inherit, do not labor for themselves ; they compel the poor, who exist at the time, and in their vicinity, to support them, while they themselves do nothing. When men therefore, say they seek to supply the wants, the future wants of their children, they deceive themselves. All the fathers of and generation, under the present order of things, may be con-

sidered as engaged in a struggle, not to supply the wants, the future wants, *each* of his *own* children, out of the labor of such parents ; but to compel the children of some of these fathers, (and it happens to be a great majority of them), to labor for and supply the wants of the others, while these last riot in idleness and luxury. Let me repeat, then : it is not the rich father, that supplies his children's wants ; it is not the children *themselves*, who supply *their own* wants ; but it is the poor children of other fathers around them who do it ; it is none else ; and they do it for the single reason, that they are deprived of their just and equal share of property. It follows, of course, from these remarks, that the parental feeling, by which many parents attempt to justify and even commend themselves for providing property for their children, as the system now is, is far from being amiable or laudable ; on the contrary, that it is culpable and criminal, and rather resembles the propensity of those birds of prey, who feed their young upon the young of other birds, whom they are able to make victims, than any thing which the mind of justice or benevolence is able to look upon with pleasure. It is thus, that vultures feed *their* young ; and it is thus also, that rich parents provide for their children. Let the poor, who feel as tenderly for their offspring as do any others, look at this operation of things, and prepare to put a stop to it.

If such then, be the operation of wills ; if they are able to convey away vast quantities of property, and with it *vast masses of people*, the latter of which it certainly cannot be pretended is the property of any one, much less of testators ; is it not time to question the *validity* of wills, even on principles which are acknowledged by those who desire to preserve their existence among us ? Is it not time for the people ; those who have rights as well as the rich, to interpose in their own behalf ?

Besides, on the score of policy, in order to encourage the augmentation of wealth by the testator, it is and has been urged as necessary and useful, to allow of the willing away property, to such successor as he might think proper to name. On the score of the same good policy, (I say nothing of right now), would it not be quite as beneficial, in the way of stimulating the augmentation of riches, of encouraging industry, so to order affairs, that vast bodies of men, should have *some* property, to begin life with; as it is to leave them, as we do now, without any thing? Would not a few millions, such as Lorillard's estate for example, distributed among a few thousand men, at their first setting out in life, be productive under *their* management, of more wealth, than if the same were given into the possession, perhaps, of a single man? This is a question which I do not expect the rich to hear with pleasure, or to answer with candor; but the men of toil, the million who prepare the feast, but *never* taste it, will find an answer in their own bosoms which need not be told to any one, to be known.

It is easy to enlarge, and to multiply arguments in favor of the *policy* even, of giving, in addition to the benefits of a good education, a patrimony, and that an equal one too, to every individual on arriving at the age of maturity. Those who object to it, on the ground that it would tend to make men indolent, and improvident of their future welfare, seem not to be aware, if the ground of their objection be true, that they prove too much. They are in the situation of the sophist, who declared "there was no such thing as truth in the world;" and, to whom a by-stander replied; "Then, Sir, your assertion is not true; for, if it be, there is, at least, *one* truth among men." If the giving of property, be it little or much, to those who are entering the stage of mature life, is to be considered as visiting the evil

of indolence and laziness, upon those who receive it, and is, on that account, to be objected to ; so, also, must we object to property being given to any human being whatever, whether it be by our present system of wills, or otherwise. Now, to say, that *no one*, ought to have any property at all, by way of bequest, or gift, from any source whatever, is proving too much ; and more I apprehend, than those who fancy they see evil in giving to all an equal amount of property on arriving at the age of maturity, have any *wish* to prove.

Besides, how doubly absurd, does it not appear, to object, to a moderate and equal share of property being given to each person at the age before mentioned, on account of its inducing indolence ; and still, at the same moment, to contend for the giving of immense estates, as is now done by way of will ? If, by a system of equality, the giving three or four, or five thousand dollars, to individuals generally, is to be objected to, as creating idleness and laziness ; how much more, ought we to object, as the system now is, to giving three, or four, or five millions ? Those who oppose the equal system, which it is my pleasure to support in this Work, and every where else ; ought to take care in the first place, that their facts be true ; and in the second, that being true, they do not do more injury to themselves, than to those whom they attempt to assail. I apprehend my readers will agree with me, in the present instance, that these facts are *not* true ; and that if they were, they would be of no avail, inasmuch as by proving too much, they prove nothing at all. And such, I imagine, is the condition, in which all men must invariably find themselves, who oppose the doctrine of equality ; of equality in property, as well as in every thing else.

Men who contend for the descent of property to the next

generation, in the way in which it now descends ; and object to its descending equally to all, as I desire, on the ground of its tendency to promote indolence, seem to consider mankind as consisting of two distinct species of beings ; one of slaves, whose duty it is to toil, but having a very great aversion to it ; and the other, of despots, to whom it belongs to use the lash, and thus coerce their fellow-beings to perform it.

They seem to forget, that most of the indolence, now existing among mankind (the effect which labor-saving-machinery has to destroy employment, and thus *force* men to be idle, excepted), is the indolence of despair and discouragement, on the one hand ; and, on the other, that of ease and indulgence, springing from enormous fortunes, acquired without labor, and possessed without right ; and that if these two *causes* of indolence, were banished, by the introduction of a system of equal property, indolence itself would be banished also. All would then labor for the gratification of their wants ; and this gratification would then be, as it truly is, the true, and only genial and healthful stimulus of industry.

I have already observed that if the State, for example, had bestowed patrimonies upon the children of certain supposed families ; it would have relieved the cares of the parents of those children, to a very great and beneficial extent ; and that their industry would have received, in consequence of such relief, an augmentation of its exercise, by being at liberty to direct itself to the acquisition of the means of new gratifications. There is little doubt, that the present inveterate attachment to the exercise of the rights of the testator, as they are called, owes its origin, principally to its being made use of, as an instrument of conveying property to children. Had it ever been the case, that a State had given a patrimony, and an equal

one too, to every person in it, on his coming to the age of maturity, it is altogether probable that men would have ceased to have any attachment to wills whatever. It is to be said, indeed, that it would never have been known. It should be understood, that to the term will, I affix a signification, which, direct or implied, controls the disposition of property which a man has died possessed of, in manner known, or supposed to be agreeable to his wishes. Thus, although a man, technically speaking, may die without a will, yet, if the Legislature order his property, by a general or any other law, to be divided equally among his children, or next of kin, it presumes what his will would have been, and supplies the omission.

But let us look a little at the obstacles which go to prevent the *execution* of wills, however beneficial they may be said to be. A man, it is said, acquires property for his children, and gives it to them by way of will. How far is this true? there is no doubt he may *intend* it. But let us hear what the facts are. His will may be made, and deposited in the care of a friend, perhaps, in whom he has confidence, and who does not deceive it. Still it may be lost or destroyed by some casualty or accident; where, then, is the will of the testator? It is a nullity. It has no legal existence. It is the same thing as if it had never been made. In another instance, the treachery of another (supposed) friend, to whom another will may have been committed, puts it out of the way altogether. Here again is another violation of will, as effectual as if it had never been made. Let the dying man, if you please, fearing to trust his will out of his own house, order it to be deposited in his bureau. How often, when death has sealed his eyes, has such will been committed to the flames. If the destiny, the good or ill fortune of heirs, is made to depend on an occurrence of this kind, how precarious and uncer-

tain may we not consider it? Again—where it has been supposed that no will has been made, how often has it happened that a counterfeit one has made its appearance, clothed in all the legal formalities, and has carried away the estate of the deceased? Besides, let us suppose the genuine will to be preserved, and to become known to the administrators of the laws. Yet the debts of the deceased must be paid? Most certainly. Well, then, in court here come witnesses, as many as are necessary, and make oath, false oath, it is true, but which, however, no one has it in his power to *prove* to be false; and swear that they saw him, for example, sign or indorse a promisory note, to a great amount; judgment is rendered, in consequence of this testimony, and away goes the estate, out of the children's hands. But let us pursue the matter still further. Admit the estate to be realized. It must come, of course, into the hands of the executor. What if he should fail in his duty? Would not the estate pass from the heirs? No, it is said, if his surety were available. That might happen not to be the case. Moreover, himself and the executor might act in collusion. And then who could evade the consequence? Like other men, they could if they pleased, be guilty of fraudulent insolvency; or increase the number of absconding debtors. In any of all these numerous contingencies happening, and more might have been named, what becomes of the testator's designs? Where is the security of the heir? What dying man can say he has labored for his children? If they do not *get* his property, he certainly has not labored for *them*. He has labored for some one else, and *he* will not know for whom.

On the ground, then, that it is impossible, in a very great many cases, to fulfil the *intentions* of the deceased, it will be advantageous to look for a better system. For although it may be said, that in a great majority of instan-

ces, estates descend in the way in which their former possessors desire them, yet there are not wanting many instances of a contrary description. And these are pregnant with great evils to those who are affected by them. They are too well understood and felt, to need any elucidation. To place numerous families without resources of property of any kind, into a world which seems to be governed almost altogether by one ruling principle, avarice, is calamity too much to be contemplated with indifference. But such calamity is no greater to him who has had an estate *intended* to have been given to him, and who did not succeed in obtaining it, than to him who is possessed of nothing, because he had no parent or legator able or willing to give him property.

Inasmuch as I am now speaking of the *policy* of wills altogether, separate from any consideration of them as being consistent or otherwise with the equal *rights* of all ; it is not out of place to look at their moral action, in another point of view. Who does not know the insincere course of conduct, which the expectation of possessing property through the medium of wills, generates in those who have a right to *indulge* in such expectations? Do we not know, that, particularly the latter part of any one's life, who has property to any considerable amount, to give away by will, is assailed by every species of flattery, fraud, and cunning? And when the unhappy man is about to resign his life, who does not recognize, around his death-bed, a scene, very much resembling the hovering of carrion-crows over a dying horse, wishing every moment to be his last, in order that they may feast themselves on what remains after death has done its work? It would be no small service rendered to our race, if such a disgusting and revolting moral nuisance were eradicated from all human society.

Nor is this death-bed scene of immorality that which is the *most* offensive to every feeling of purity and virtue, of all those which the exercise of the power of making a will presents to our view. How often do parents in possession of property, while living, employ it as the instrument of the most revolting tyranny? How often is the son, under the fear of being disinherited, compelled to comply with the unjust and iniquitous desires of the father? How often is the happiness of the daughter sacrificed, by being compelled to marry a man, whom her parents order her to marry, but whom she regards with indifference, and often with disgust? And what, in such a case, does the exercise, by the father, of this power of making a will, produce, but the legalized prostitution of his daughter? Yet this is what happens almost daily; and men have not seen how this great demoralizing agent is to be exterminated from all human society: nor even thought, except in few instances, that a power producing such effects, must necessarily be one which has no just right to exist; since no man will pretend that he *ought* to have the power to prostitute his own daughter; though such is the power he actually holds in his hands, under the present order of things.

In my third chapter I have abundantly shewn, I think, that man cannot *own* property after he ceases to be; nor give direction *who* shall own, to the exclusion of another; or how it shall be disposed of; that to allow of such disposition, would be to interfere with the rights of the living, at a future day; and therefore is not to be tolerated, any more than any similar injustice is allowed to be practised with impunity, in a society of individuals now living. For justice is as much to be practised to those who are absent as to those who are present; to those who are on distant journies, as to those who are at home; to those who have not yet arrived on the stage of existence, as to those who

have. It does not take its character from the wishes of any man, or of any generation of men, from any period of time, past, present or to come. It is eternal and unchangeable, and operates, if it operate at all, for the equal benefit of all. But, notwithstanding all this is self-evidently true; although every human heart; as well his, who feels tyrant-propensities, as he who suffers the anguish they occasion, acknowledges their truth; still does there lurk a wish in the heart of him, who is now wealthy, to extend his monopoly beyond the grave; and although he cannot see that it is right, at all, for him to will away the *materials* of the world, so to speak; to throw, for example, if he had the power, the plantation on which he has once lived, into the middle of the Pacific Ocean, there to be sunk in the fathomless deep, or to commit any similar annihilation of property; yet he feels "one longing, lingering" wish, that the *labors* of his life, the *result* of his yearly *toils*, those productions of his *personal exertions*, should be at his disposal. Strange man! If such be your wish, if you are so inhuman as to desire, when you are about to slumber in the dust, as to make a *preference*, (for that is all that remains in your power) among those to whom you would give your *labors*, when the Creator has made them all equal, and knows no difference among them; show me *which* and *what* are your personal labors, and *how* your wish can be accomplished, and you shall be gratified. If you have made for yourself a bow, from materials obtained in the forest—go, and replace that material as you found it; *and if you can possess yourself of the labor*, and the labor only, which you employed in its manufacture, go and bestow it upon whom you please. If you have made yourself a pipe, in which to smoke your tobacco—go and restore the clay of which it was made, to its original place and condition as you found it; and, *if you can possess yourself of the labor* you

expended in its fabrication, give it in welcome to your successor. If you have written the Iliad, go and restore to their original condition, the materials of the paper, ink, &c. which were essential to its existence among mankind ; then, *if you can detach the labors* you employed in its composition, from all connection with physical existence, my sensorium or another's, give them in welcome to whomsoever you will. If you have made a ship, replace the materials, of which it is made, in situations and conditions as you found them, and *if you can lay your hand upon the labor*, upon the *industry* you employed its construction, *do so*, and give it as you will. But, touch not material ! Take only *labor, skill and fancy* ! All else belongs to the succeeding generation. Even the materials of your own body, the moment that animation has departed, belong to them, and not to you. They can, as they have ever done, make such disposition thereof, as to them shall seem fit.

Say not to me, that you will exchange some of all your vast amount of labor, for our materials. We will not consent. We will make no treaty with you. For what could labor do ? All that you have ever exercised, and all that the whole human race have exercised, since their existence, are not competent to the formation of a grain of sand. If, then, you cannot give us the equivalent, even for the very smallest *fraction* of a grain of sand, why should we allow you to bestow it away ? Besides, it is only *ours* during the period of *our* existence ; when it will belong to our successors, who will talk to us, as now we talk to you.

Besides, is it not altogether possible, that you have received the benefit of the *labors* of a preceding generation, from ten thousand sources, fully equal in amount, to that which you now so reluctantly transmit to the generation which is to succeed you ? Are you not in fact a debtor ? Are you not, indeed, a *very great* debtor ? Have you not

had of enjoyment, yourself, a hundred, nay a thousand, or ten thousand times more than you could have had if preceding generations (and that without any regard to those of your *kindred* among them) had not left *their* labors behind them? And is not this, of itself, a sufficient reason for you to wave your pretensions altogether? One would surely think it was.

But let us make another investigation:—Some one will say, as many have often said, “this is my property; “I have made it by my industry; it is the work of my “own hands; therefore is it mine, to will away, as “well as for any and every other purpose.” If it be *his*, *his it is*, beyond all dispute; and *his* shall it remain, for any thing that I will do to dispossess him. But let us inquire. Let us ascertain, when a man boasts how much he has done in his life time, by his *own industry*; I say, let us ascertain *for ourselves*, how much, after all, it may happen to be. Over-estimates are a very common thing; and happen as often among rich boasters, as any where else.

Let us take the supposition that Lorillard shall give his five hundred houses, and other property to some single legatee. If he manage them with prudence, with *industry*, I suppose he would say; inasmuch as principal at five per cent. per annum (whether it comes in the shape of rent or interest is all the same) doubles itself in a little more than fourteen years; let it even be fifteen; his houses would be doubled in number in that time; and in fifteen years more, they would be doubled again. So that in thirty years from the time at which the legatee came into possession, he would actually have fifteen hundred houses more than Lorillard left him, making an increase of fifty houses a year! Is it now to be said that this annual increase is the labor, is the industry of one man? Is it to be said that he has performed the *equivalent* of so much work? Would these

houses have been built, or their *equivalent* in labor performed on something else, by this legatee, (who in the mean time has not lifted his hand), if, at the time, he received his legacy, all the poor, who perform the labor that supports the whole human race, had been struck out of existence? Do not these same poor men see, that they are the slaves of this vast possessor of property? Do they not see, that their fathers have been slaves to his predecessor? Do they not see, that their children, if this state of things is to continue, will be slaves to his successor or successors? Do they not see, that they will be required to build for them, in the next thirty years, 6,000 houses more! which, under a new order of things, they would build for themselves, or employ its equivalent in something else? And for what is all this? What particular service to mankind, does Lorillard, or Lorillard's successors, or any man's successors, render more than themselves? Is the work of creation to be let out on hire? And, are the great mass of mankind to be hirelings to those who undertake to set up a claim, as government is now constructed, that the world was made for them? Why not sell the winds of heaven, that man might not breathe without price? Why not sell the light of the sun, that a man should not see, without making another rich? Why not appropriate the ocean, that man should not find *space* for his existence, without paying his fellow-being for it? All these things could be done if it were practicable, with as much propriety, as the present exclusive and eternal appropriation is made, of the land and all that belongs to it.

Mankind have enquired *too little* after their rights, their interests, and their happiness. If it had not been so, such enormities could not have been allowed to take place, daily and forever before our eyes, without having been reme-

died. They could not have been plunged into such deep distress and degradation as we now see them. The high and the lofty, those who have become so, from the inevitable operation of causes, which they did not bring into being ; and which neither they have had, nor could have had the power to control ; would have been tumbled from their elevations, and seated on a level with their fellow-beings. Then would they have enjoyed their equal chance of acquiring property ; for then, would they have had only their equal share of it, to begin with ; and with this, they could have had only their proper opportunity to employ their industry and talents ; others would have been in the same enviable situation ; and no one would then be found, in such necessitous condition, that he must work or die ; and work, too, *on such terms, that a very great share of the value of his labor must go to the employer*, or to him, who, no matter how, affords the means of employment !

It is not long since a member of the Common Council of this city, I do not now recollect his name, and on some occasion of which I do not remember exactly the nature, indulged in a strain of feeling and invective against the poor, which brought forcibly to my mind, a tragic affair of the French Revolution. In the origin of this affair, a very wealthy citizen of Paris, was guilty of saying, in an exasperated tone of feeling, that the people were no better than horses, and ought to be fed on hay ; or words to that effect ; the consequence was, that the populace became exasperated in their turn, by the barbarity of the expression ; they seized him, cut his head off ; stuck it on a pole ; filled *his mouth full of hay* ; and paraded through the streets, in revenge for the unfeeling manner in which their victim had spoken of their rights and their happiness.

On the occasion to which I have alluded, the honor-

able member launched out into some intemperate expressions against those, whose lot, as society is now modelled, it is to perform **THE LABOR THAT SUPPORTS US ALL**; such as this, "that he who would not work *ought* to starve." There is no occasion to question the general truth of the observation; but the barbarous *feeling* with which, it struck me, it was uttered, could not fail to raise my indignation. I could not but resent it in the name of my fellow-beings, as an insult to that class who now perform all the work that is done in our support, as well of the honorable member, as of all others, implying an unwillingness to work, which there is no kind of propriety in laying to their charge. But it implied also more. It implied, that *it is right enough* for a certain description of men, among us, to live without labor of their own; while others are called upon to labor, not only enough to support themselves, but to support also, these **DRONES** in the hive into the bargain. It is the object of this Work, to inquire why these things should be. Why is it, that men, at our Hall, or elsewhere, should not be called upon to perform the labor that supports them, as well as other men? If a man will not work, why should he not starve? This is a question which may well be asked, if it is intended to mean, that *all* men, shall be called upon to work alike; and to depend solely upon the labor of their own hands, and draw nothing from the labor of others, but what they are willing to pay for with an equal return in labor of their own hands, I agree to it. It is an object which I wish to see accomplished. And it will be the object of every man, who has not been corrupted by the sweets of another's labor. Let all our legislation square with this principle; and there will then be no occasion to suffer large estates to descend to particular persons; for these it is, (and it is nothing else) which *enables* them to live on the labor of

others; nor on the other hand, to maintain an order of things, the result of which is, to leave an immense portion of our population without property of any kind whatever, in the utmost misery and wretchedness.

But the honorable member, there is every reason to believe did not contemplate so general an application of his maxim. But, why should he not? Is it not quite as reasonable for a poor man to eat a good dinner, without having labored to earn it, as for a rich man to do it? Is there a difference in rights? Is there one sort of rights for one class of men, and another for another? May one do lawfully what the other will do criminally; have we two codes of law among us? Have we a law for the Lilliputians, and another for the Brobdingnaggians? We have been told, in the Declaration of Independence, that "all men are created equal;" but if one man must work for his dinner, and another need not, and does not, how are we equal? If the gentleman shall say, the rich man has property, and the poor man has not; then the question is only changed for another; what is his *right* to such property?

If it should turn out, that he has no better right than he whom now he calls poor, and on whom he casts his insults; it would at least compel him to make his application of his maxim, more general, I presume, than he had intended to make it.

In order, therefore, to ascertain the poor man's rights, or the rich man's either, we must go back to the first formation of government. When we have done so; when we have ascended to the first era of society; where do we find our poor man? Where do we find our rich one? *They are no where to be seen.* Every thing is in common at this period. No man can call this tree his, or that the other's. No man can say this field is mine; or that is yours. Field there is none. All is one wide common,

unappropriate to any. How they *did* appropriate, when they resolved to divide among them, that which equally belonged to all, we may not know at present. But, how they *ought* to have divided, we know full well. It is engraved on the heart of man, and there is no power, while he lives and has his faculties, that can efface the engraving. That heart tells him, what it tells every man now who has one ; that he has an equal right with any and every other man, to an equal share of the common property ; or its undoubted equivalent. That heart tells him, that if, previous to any time, the soil, the common property of all, has been pre-occupied by others, it is his right to demand an equivalent ; or, as the only alternative left him, to enter by force, if necessary, into the possession of that which belongs equally to him, as to another. That heart tells every citizen of this State, or of any other State, that he, too, has the same inalienable right to his portion of the property of the State. That heart tells him, that if those who have first occupied this property, have done it in such a manner, *as to shut him out*, of his equal original right ; and have not given him *his equivalent*, in lieu thereof, it is his *right*, and those who are in the same condition with him, to combine their exertions to produce such an arrangement, and division of the State, as will be able, even at this late, or at any later day, when they shall possess themselves of power enough to do so ; to secure to themselves the enjoyment of their own equal portion. That heart tells him, that no length of time which oppression may have endured, can legalize its existence : and that the day of its death has come, when moral and physical power enough is found to exist to be able to destroy it.

How, then, if the present people of the State of New-York, had now for the first time, met on its soil, and were about to make appropriation of what they found here, how

would they proceed? If their knowledge and experience convinced them, that the system of private and exclusive property, in every thing, or nearly so; and consequent upon this system, the system of one pursuing one occupation and another another; and so on through the whole circle of occupations; was better adapted to promote their comfort and happiness, than any other; because, the sum total of the effects of their industry would be greater in this way, than in any other; would they not, then, be likely to pursue such systems? Would they not divide the State as nearly equal as possible? Would they give to one man a territory, equal to the county of Rensselaer; to another a territory equal to the county of Putnam; and to a thousand, or ten thousand others, none at all, or any equivalent? Would the thousand or ten thousand, if they understood their rights, sanction such a division as this? Would they not overthrow it in an instant? And if, two hundred years ago, such an appropriation, or a similar one was made, shall it not be overthrown now? Shall it not be put out of existence now, and every thing, as it regards equality, be placed in the same condition as if it had never been? Is the error, is the injustice of such a distribution of the soil and property of the State, to receive our sanction because it has existed two centuries?

Well, if the people of the present day, upon the supposition I have made, that they were now, for the first time met upon its soil, would not sanction or authorize such an unequal distribution of property; ought they to be called upon to sanction it now? Ought they to be called upon, and besought to forbear, and not to break it up? Whose benefit is that, which calls upon the people any longer to tolerate such an injustice? Is it the benefit of the people themselves? Is it the benefit of their children, and their children's children to the latest generation? Or is it the benefit of the single individual among ten thousand? If,

then, the people, by altering this condition of things, can yet make all things equal, and consistent with the original rights of all ; and can, among others, make the same provision for him of the ten thousand ; ought it not to be done ? Who is to gainsay ? *No man, nor even any majority of men have, or ever have had, or ever can have any right to destroy the equality of rights, or to suffer it to be destroyed.* It belongs, inalienably belongs, to each individual of the universe, even though every other individual in the same universe, should oppose its admission or acknowledgement. It is not in the moral power of numbers to say, it shall not be.

Let it not be said, that because the soil of the State has undergone a vast change in its *value*, by the *progress of improvements* ; by the labors of art and industry, which for two hundred years, have not failed, in the possession of the present and former owners to be bestowed upon it ; that therefore division ought not now to be made. Whose were these labors ? Were they those of the *proprietors* ? Were they those of the *rich man* ? On the contrary, were they not those of multitudes of men, who had as good a right to the soil they cultivated for another, as that other himself ? Were they not those of the ancestors, of the fathers and grandfathers, of the present generation of poor men ? Were they not those whose bones now sleep in dust along with those who never labored at all ? What right, then, has the rich man of the present day, to retain possession of the result of the labor of their lives, and to deny it to their children ? What right has the rich man of the present day, to hold by inheritance from his ancestor, the labors of a previous generation, when even the *ancestor himself* had no kind of just title to it ? If there is any one principle, among all the principles which prevail in governments organized as they now are, which can be allowed to

have an operation here ; it is, *that the children of these sons of toil, have, at least, an equal title to the labors of their ancestors*, with that of the son of him who never labored at all ; who lived on the labor of others ; and who, if it be yet said, as it may sometimes be, with truth, that he *did* labor as much as the poorest man living, could certainly claim for his son, *no more* than an *equal* share of all these improvements, of all these productions of art and industry.

Nor let the man of toil ; the man of no possessions ; forget to understand himself. Let him not believe that there is aught of value or of worth in man, save such as he and his kindred producers, bring forth to mankind. Let him not forget, that all these improvements ; all these productions of art and industry ; the surviving fruits of the labor of his ancestors, are now actually less, than they would have been, if rich men had never existed. For every dollar paid to them by way of *interest* ; by way of *rent* for houses and lands ; by way of *profit* in trade or manufactures, over and above the same return which poor men receive for similar service in superintendance ; is so much for idleness to subsist upon. Let him not fail to see, that the Grand Canal would have been made at less labor furnished by the class of men to which he belongs, but for the existence among us, of what are called, men of fortune. For the labor on which these have subsisted, and that, too, which they have wasted, has been drawn from those whose rights I am vindicating ; and *this* labor might as well have been given to the Canal, as to have been given where it was. It would have been better. For all that is given to support the rich, (or the poor either) who by their labor, might be able, if they had the opportunity, or were compelled to it by necessity arising from the operation of equal laws, to support themselves, is so much thrown into the sea. Let

us look then upon the rich man, as he has been, or as he now is, among us, rather as a curse, than as a blessing; rather as a something, himself, which it is proper to exterminate, than to allow him to arise in the midst of us, and say, "The changes you design to make, shall not be made." Nor let the word *exterminate*, be thought a harsh one. *Both rich and poor ought to be exterminated*: the latter by being made what we may call rich; and the former by being brought to the common level.

If, then, the soil, in its present cultivated state, as well as in the condition in which it comes to us, from the hand of its Creator; with all the results of the toil, skill and industry of the present and former generations, as well as when none of these existed—belong to the present people of the State of New York—what is the disposition, which they may and ought to make of it?

That it would be an equal division in the first instance, no man will doubt. For if he did doubt it, if he did believe that it would be unequal; and further, if he could believe that *himself* could have the larger portion; he would not object. If, therefore, any man objects to a division, it is because he expects after a division is made, to possess *less* than he possesses now. It is not in the nature of things, that he should object on any other ground. Whoever, therefore, does object to a division, not only desires to have that which is truly his own, by just and equal right, but that of his fellows—a hundred; a thousand, or ten thousand in number, in addition thereto. But these, when they understand their rights; when they see clearly what belongs to them, as much as the same in amount belongs to another, are not to be prevented from possessing it, by any thing which can be done by any human agency.

The division, therefore, beyond all question would be equal. At least it would approach as near to it, as it

would be in the power of the community to make it. I am not to be understood as meaning any thing by equality, other than that the *value* of the effects of our citizens, whether it be lands, or ships, or goods, or whatever else it may be, would be apportioned equally among us all. And if it were not exactly equal ; if it varied from equality, say by five, or ten, or fifty dollars in a thousand, it would be because, under present circumstances, or perhaps under any, a division mathematically equal, cannot be made. But it is not necessary. It is sufficient that it be substantially so. And this it can be without any difficulty, arising in executing such division, whatever.

But, after this equal division be made, how is it to be perpetuated ? How is it to be maintained ? How is it to be preserved, at least so far, as to allow wealth, in any man's hands, to accumulate no faster, than his greater talents, strength, ingenuity, industry or economy, will enable him ? So far as these qualities are possessed by any man, they ought not to be denied having their full scope. But at the same time, they are not to receive impetus, from having the opportunity of operating upon the destitution of another. Wealth is not to be allowed to augment its treasures, by making treaties of profit with poverty and misfortune. Care, then, is to be taken that such poverty and misfortune shall have no existence.

The question, then, arises, how is this to be done ? Divide the State equally to-day ; and all will be equal for the moment. But if you give to any of these equal possessors the power to consider that which they have received, as being *theirs to the end of time*, what will not happen ? Suppose these possessors to be, all fathers ; to have an equal duration of life ; to have an equal number of children, who shall be supposed to have an equal duration of life also ; to have equal talents, strength, inge-

nity, industry and economy ; still under all these circumstances, property would soon become vastly and enormously unequal. And why ? Because each of these possessors ; if he have the power *to the end of time*, as I have supposed him to have, of disposing of that which is now his, could and would will it away unequally. He would entertain, such is every day the fact among us now, antipathies to, or less partiality for, one of his children, than he would for another. He would bestow his property accordingly. To him, whom he disliked, (wisely or unwisely, it is no matter) he would give nothing. He, therefore, would be the first of a race, and ultimately of a very numerous race of poor men ; of unfortunate human beings ; without resources of property ; and, therefore, dependent, even for their very existence, upon the pleasure, the caprice, the tyranny, or the folly of others, who, no better than themselves, had yet the better fortune to be the favorites of some former possessor of property, now slumbering in the dust. To him whom he liked less than another, he would give *little*, and he would be the father of another race, who would be more or less of tyrants, or more or less of slaves, and dependant beings, as the property their ancestor should receive at the hands of his father should be of greater or smaller amount. To the most esteemed, he would give all, or nearly all ; and here, then, would be the source from which inequality would spring, and continue to grow, never to be repressed, as long as present circumstances continued. This possessor would be in the situation such as now we behold the rich to be. If it pleases any one to say so, *let it be said*, that with his greater talents, strength, ingenuity and economy, he goes forward in the career of life, to add to his already great possessions ; yet it is not on these alone, that he depends for making acquisitions thereto. No ; it is on the still better, the still

more productive resource which he finds he is in possession of, in the destitution, in the absolute want of every thing, in which he finds a vast mass of men around him. It is on *this destitution* ; it is on *this want* ; it is on *this poverty*, that he brings his personal qualities, and his hereditary possessions to bear, with a most appalling energy. And *without* such destitution ; *without* such vast bodies of men around him who are obliged to make a treaty with him, as it were *for their lives* ; what would he do with his greater talents, strength, industry, ingenuity and economy, about which he and others,* talk so much, and talk so much in vain ? Would they avail him, to obtain those vast augmentations to his estate, which it is now so easy to accomplish ? Most certainly not. How alarmingly hostile then, to human happiness, in the case before us, does not the power of wills appear to be ? And yet worse than this happens every day ; inasmuch as legators often dispossess their families entirely, and give to those who already have other testators to give them more.

It would no doubt, abate, in some measure, the evils growing out of the existence of the power of making wills, if they were required to be made so as to divide all property of the father, among his children, equally. But, as all families do not have the same number of children, and some none at all ; and if they even were to have the same number, still they do not live to come to the age of maturity ; so if, in the new disposition of things, the property of the fathers went to the children, even on the principles of equality, still a most enormous disproportion would soon ensue. One father, may have, it may be said, a fortune equal to another, and indeed, in this respect, in the division of the

* See Raymond's Political Economy, Vol. 11. pp. 12 and
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State which I propose to make ; all families would be equal ; yet, one will have twelve children ; another, ten ; another, eight ; another, six ; four ; two ; and one, and some even none at all. Where, under circumstances like these, should we find our system of equality, in a short time, if we were to allow the power of wills to come in at all, even though it required all the property of the testator, to be apportioned equally among his children ? The father of one child would give him all his property ; and the father of ten or twelve children would give them all *his*. But the child of the former father, would thereby possess ten or twelve times as much as any one of the children of the latter father. Would this be right ? Would this be consistent with the purpose all should have in view, of maintaining that equality, which the rights of every man require ? But the inequality, thus supposed to be generated, does not stop here. It may be, that the son who receives ten or twelve times as much as others of his fellow-beings of the same age, may also, have one son only ; and when the father dies, he would be required to leave his property to him, with all the acquisitions he had made to it, and that too, under extremely favorable circumstances for making those acquisitions. But, on the other hand, these ten or twelve children of one and the same father, might also, be the fathers of ten or twelve children more each ; and this second generation of children ; 100 or 144, as the case may be ; would have only so much property, *if even that remained*, as is now in possession of a single individual of another parentage. And every generation would see the evil increasing in aggravation and enormity. Nor to the mischievous operation thus placed in review before us ; is any thing attributed to the effect which would be produced, by the will of him, who has no children to whom to leave his property. If, as such things have happened,

he should give to those who already have more than they ought to have, the evil would be greatly heightened ; and this is an event, judging from the past history of mankind, which is more likely to happen, than the contrary and more desirable and reasonable disposition.

But, we must in justice to our subject, take back another supposition. *All fathers cannot have the same term of existence.* They cannot be supposed, then, to have the same opportunities of *acquiring* property, for their children, admitting for a moment, what is very absurd indeed, that these children are to look to their parents, as such, for their future means of existence, or comfort, or happiness. Here, then, is another fruitful source of inequality of property, to be added to the foregoing. There needs evidently, some other principle than this, on which to found the operation of transferring property from one generation to another.

Once more I am to say, that the ground I have taken by supposition, is not borne out by facts. All men, in any one age, cannot be supposed to have the same talents, strength, industry, ingenuity, or economy ; and, for this reason alone, it would not be possible, for every father to be able to leave an equal amount of property to his children, allowing every other circumstance to be as equal as I have made it by my suppositions. Is it to be said then, that the child's right to property, is to depend on the personal quality or qualities of the father ? I am aware ; I know too well, indeed ; that every argument that the imagination of man can conjure up, has been, and will be resorted to, to defend the miserable system at present prevailing, in the transmission of property from one generation to another. And I regret extremely, to observe the talents of a writer, so respectable as Mr. Raymond, so perverted, as to be employed in supporting a principle,

which would go to no less a length than that of declaring that the immortal Newton should never have had, by any acknowledgment which his *government* should have made, the right, even to the material of so much paper, as would have been necessary to communicate to the world his *Principia*, if his father had happened to have been an idiot, and in consequence of such idiocy, had been incapable of obtaining property for him. I am not to be repulsed from the truth of this declaration, by any other declaration; such as, that Newton could have negotiated for the paper for himself. For Newton either did, or did not own, in his own person, as derived from his supposed father, enough of something wherewith to purchase. If he did not so own it, and the fact so happened, because of his father's supposed idiocy; then I repeat, that he has nothing wherewith to purchase; for, although he might offer his personal services; those who possess the world, and, of course, the materials of which paper is made, could say to him; "we want them not; we will not negotiate; you cannot have the material; we have monopolized it ourselves; and the government we have placed over us, has so ordered it, that nothing shall be taken from us, but by our consent; and this we do not think fit to give; you must, therefore, remain without the paper you so much desire."

Such without number, are the absurdities, which great men as well as others must encounter, when they leave out of view, or have never found, the true sources of our rights.

But there is yet another exception to our list of suppositions. Although to day, property should be made equal among us all who are of the age of maturity; and, although an additional supposition were made, that no more persons were to come among us; and, that we were to

continue forever in the possession of what is now assigned equally, as we think, to each of us ; still, we should soon discover sources of inequality springing up among us. In what would these consist ? To-day when division is made, a mine of the precious or other metals, which, ever to this time, has been productive and profitable, is given to some one or more, as his or their equal portion. In a month or so afterwards, it fails to be productive of as much profit as heretofore ; and, finally ceases to be of any value at all. On the other hand ; on the property of another ; where, at the time, when division was made, there was not known, or suspected to be any such mine, in a month or so afterwards, it may be, discovery of it is made. Here then are two sources of inequality ; the one acting to depress, the other to exalt the condition of the respective proprietors. And, it is easy to imagine a multitude of sources, of a similar character in kind and degree. To be prepared to meet all these, to-be-expected occurrences is a part of the duty of those, who shall be prevailed upon to attempt to give to man in society, the rights which belong to him, in a state of nature, or in lieu thereof, his undoubted equivalent.

Amidst all these sources of inequality, it may appear, that we might, without subjecting ourselves to any unworthy imputations, set ourselves down in despair ; and conclude that nothing was to be done. For, of what use would it be, to provide for an equal division of property, if it could not be perpetuated, from age to age, from generation to generation, without breaking in upon the operations of the living ? To make a general division now ; and then to be obliged to make another in a month, or a twelve-month, or even in a life-time ; in order to *preserve* the same equality of rights, in our social as in our natural existence, is an evil of no ordinary magnitude. But,

happily it is not necessary. The reader will have seen, long before he has proceeded to this extent, in the perusal of this work, the means by which it is to be accomplished. It has been necessary however, for me to pursue the discussion of this subject, in the way in which I have done it ; not so much to recommend the utility of the methods to be pursued in giving to man his rights in question, as to remove the train of falsely founded ideas with which he may be impressed, and which owe their origin to his contemplations of society, and of man in society, such as he has ever found them.

It is necessary ; because it presents the only means of giving to every one now living, and who is of and over the age of maturity, his equal share of all the property of this State, of whatever kind it may be ; that a General Division of the whole of it, should take place in the first instance. But, it will never be necessary again, to disturb the operations of the living ; by interrupting the plans of life, which each individual has marked out for himself. Nor would it have been necessary now, if two hundred years ago, or at any period subsequent to that, and anterior to this, all men had been placed in possession of their rights. But, as they were not ; as they still continue to be held in the possession of others ; it is right ; it is proper ; it is requisite, in duty to those who have to this time, been despoiled of what is their own ; to wrest it from those who now detain it from them. It is time, now, that each should begin to live for his own happiness, and to draw on his own resources for its promotion. It is time, now, that he should begin to live for himself ; and, not like a slave as he truly is, for the benefit of another. As every man's share of the property of the State, is essential to his pursuit of such happiness ; it is right for him, and for all who like him, are in a similar situation, to rise, in the

majesty of their right, and claim at the hands of man, that which he holds by title from the Creator. Nor, is it to be objected, that it would produce all the evils of a general bankruptcy. There is no doubt, that all those vast proprietors, whom to pull down to the just level of their fellow-citizens, is the prime object of this work, will feel it, indeed, to be very much like bankruptcy *to them*; but, it will be very far from deserving that character after all. For, they will have assigned to them, if they will have it so, as much of the effects of the Bankruptcy as any of their fellow-citizens. And, are they to set up a hue-and-cry, that, having always had more, they cannot *continue* to have it still? Besides, I am willing to suppose them for a moment, for argument's sake, to be utterly reduced; reduced to the possession of nothing; is it by any means, an uncommon occurrence? Every day, do we not see instances of great wealth lost to the possessor *in toto*, and himself and family reduced to extreme need? And yet, this excites very little commiseration any where; not so much, indeed, as it should. What propriety, then, would there be, in any man's resisting his own reduction to the common level? After that, if he can ascend above his fellow-citizens, by virtue of his superior enterprise, industry and other commendable qualities, he will be welcome to do so.

But I am anticipating myself. I said it would not be necessary, ever again, after the proposed first General Division, to have another. The remedy against the necessity for its occurrence a second time, is natural and easy. Let there be no wills. It has already been shown; that they do not exist, of right; that they originated in wrong and usurpation; and that they contravene the rights of the succeeding generation. When *we* appear on the stage of existence, we are ourselves, the posterity of those who have gone before us. In our turn *we* shall be the ances-

tors of those who are to come after us. In the first instance, it is to *our* interest, that *our* ancestors should have been just *to us*. It is but justice *in us*, that we practice the same rule of right to those who shall succeed us. Let then, each generation manage its own affairs, without being interfered with by those who have gone before it ; and without interfering, itself, with those, who are to come after it. This is genuine justice ; this is true policy. Let this be resolved on, and all is easy to accomplish.

Wills, then, are destroyed, they exist no more to curse the earth with calamities. Let the dead rest in peace ; and be suffered no longer to disturb the living. Let a daily register be kept of them, as they depart from among us. *Everyday*, if you please, let the property of those, throughout the State, who shall *die* on *that day*, be assigned to those, also throughout the State, who shall on the *same day*, arrive at the age of maturity ; let it be divided equally among them all, male and female, and given to them as their patrimony forever.

Thus will it be easy to cause a perpetual and imperceptible transmission of the property of the State into the hands, (and equally too) of the succeeding generation. Every person will take that course of life that suits him best ; pursue it undisturbed, till he shall choose to change it for himself, or till he shall have lived out the term of his existence. When he dies, he knows not who his successor or successors are to be ; but this is of little consequence to him. If he shall think it accords better with the dictates of nature and reason, or either, that he should feel more solicitous for the welfare of his *own* children, than for those of others, although the Creator has made all equal ; it will be sufficient for him, that his children are provided for, by the State, from the effects of deceased persons, forty years, it may be, before the expiration of his own existence ; that

they have *their* patrimony in the morning of their lives, without distressing or disturbing him for a dollar of it ; and pursue their course rejoicing ; that, even his grand-children, will or may have similar provision made for them, also, in the same way, before his race is run. How much more consoling to him must such a system appear ; than that which calls upon him, either to see two or three generations *waiting for his death*, in order that they may have wherewith to provide for their welfare ; or to see himself compelled to give up, during his own life-time, for the *satisfaction* of their wants, what he may feel to be essential to his own. How much more agreeable to his feelings, than the present wretched system, whereby, he may be stripped, through calamity, or villany, of all that he has, and thus have it in his power to give to his children nothing ? Whereas, under the system which it is my happiness to propose, nothing of this sort can happen ; and consequently, his and all children, on coming to the age of maturity, will have provision made for them, of which nothing can deprive them.

It is probable, that these enlightened and humane considerations may fail to have their full weight on the minds of some rich proprietors ; but, with how much propriety may not the government address them ; “ you are rich, it “ is true, to-day ; but, you have no assurance that you will “ be rich to-morrow : we order you, therefore, to submit “ to the introduction of the system in question ; that the “ future happiness of your children, may not be dependent “ on any contingency whatever, which may befall *you*. Your “ offspring have rights, which we will cause you to respect, and which we will not suffer you, either, to violate yourselves, or to place in situations, in which they “ may be exposed to the danger of violation by others. “ We will take care that they shall be *sure* to have an equal

“ and reasonable amount of property, at the commence-
 “ ment of the mature part of their lives, rather than to be
 “ made dependant on any one, possibly for a greater sum,
 “ at a more unsuitable period of life ; with a probability,
 “ that they may never receive it at all.” Reasons like
 these, are such as a whole people have a right to address
 to those, who shall oppose that humane and equitable sys-
 tem, which seeks to provide for the happiness of all. And
 such, too, is the language, which the children of the
 wealthy, if they understand *their own* true interests, will
 wish to see addressed to their parents.

Such, in substance, is the plan proposed to be made use
 of, to supersede all wills, by means of which, property
 may *daily* transmit itself to the approaching generation.
Literally, however, to fulfil it, would not agree with that
 strict and equal justice, which is attainable, by a trifling
 modification. It appears, from registers kept of deaths in
 our different cities and elsewhere, that they do not happen
 so nearly uniform, one day with another, as might at
 first thought be imagined. I have not now at hand
 any work of the kind to refer to, other than a printed
 “ Statement of deaths, with the diseases and ages, in the
 “ City, and Liberties of Philadelphia from the first of Jan.
 “ 1828, to first of Jan, 1829 ;” from which it appears,
 that the deaths of *Adult* persons

During the Spring months, were	449
“ Summer do. - -	492
“ Autumnal do. - -	587
“ Winter do. - -	487

The average being 504.

So that, if we suppose the births of children to be uni-
 formly equal in number, one day with another, throughout
 the year, the patrimonies would be as the numbers above ;
 that is, children born in the Spring months, on arriving at

the age of maturity, would receive, say 449; those born in the Summer months, would receive 492; those born in the Autumnal months would receive 587; and those born in the Winter months 487: the highest being in Autumn, and the lowest in Spring; the former being more than 30 p.cent above the latter; a difference quite too great to be admitted to have place, when we can so easily find the means to remedy it. And as to the particular months in those seasons, the foregoing statement adds, that the greatest number of Adults died in September, the smallest number in May. So that the difference would be, *for those two months*, even yet wider.

But, it does not happen, as supposed, that the *births* are equal, one day with another throughout the year. The variation is considerable. I have no means near me, of ascertaining numbers in this respect; but, "Observations made in several countries, concur in determining the months of December and January, to be those in which the greatest number of children are born."* This circumstance, therefore, will have its influence, in rendering patrimonies still more unequal than is already shown. I apprehend that they might differ so much, as that one should be double that of another. This would be an unpardonable difference; when, by simply directing *all the estates of persons dying within any one year, to be divided among all those who should arrive at age, during the same year, (or during the succeeding year would be the same in principle)*, the whole difficulty would be removed, and that with every practical advantage that could be desired; thus preserving all the beauty of principle, which is visible in the daily division above mentioned. Article 12, of the PLAN page 141, is predicated on these facts, respecting births and deaths.

* Malte Brun's Geography. Book 22. p. 196.

With respect to any difference in the actual value of the shares, arising to each person at the first Général Division or in the patrimonies afterwards, alluded to already in some previous remarks, as being a source of creating inequality, after such division had been made, or such patrimonies given ; it is to be observed, that under any plan of division that can be devised, it cannot fail to have *some* effect ; but it is to be observed also, that the evil continually corrects itself during every generation ; for, he who should find a silver mine on his farm, after it was assigned to him, which was not known to be there before, could only enjoy its advantages during his own life time ; when it would revert to the State ; and, be again offered for sale, under such known circumstances, as would ensure the production of its worth. Nor, could it be said that by selling it before death, this could be evaded ; for, if it were so sold, by the owner, and sold for its actual worth ; in that case, *this actual worth*, must necessarily be forth-coming to the State at the time of his death. If it were a collusive sale, for less than its worth ; then it becomes a criminal transaction in both parties ; and subjects both to punishment under the 18th article, wherein it is prohibited to give property to another ; the propriety of which prohibition, if not already evident, will be made so, as further advances are made towards the completion of this Work.

But, another subject presents itself. We have said already, that when children arrive at the age of maturity, they are to receive their patrimonies. An apprentice, having spent the requisite time of his minority in qualifying himself, for the future supply of his own wants, and the pursuit of his own happiness ; instead of going into the work-shop of a man employing perhaps, a hundred workmen, as a journeyman ; and surrendering a very great proportion of the value of his labor ; takes his own share of

property, and goes in as proprietor, a joint proprietor with them, receiving out of the joint avails of their operations of labor, trade &c. his equal and proper share, according to such rules and regulations as they may make among themselves. But, what is to be done for children before they arrive at maturity ?

Article 16. (See PLAN, p. 143), provides that “ all
 “ native born citizens, from the period of their birth, to
 “ that of their maturity, shall receive from the State, a
 “ sum, paid in monthly or other more convenient in-
 “ stalments, equal to their full and decent maintenance,
 “ and support, according to age and condition ; and the
 “ parent, or parents, if living, and not rendered unsuitable,
 “ by incapacity or vicious habits, to bring up their chil-
 “ dren, shall be the persons authorized to receive it.
 “ Otherwise, guardians must be appointed to take care of
 “ such children ; and to receive their maintenance-allow-
 “ ance. They are to be educated also at the public expense.”

Governments, as we have heretofore seen them organized, having made little or no provision for securing the rights of the coming generation, have, as it were, imposed it upon the *sympathy* of parents, to make provision, (the best they could), for their offspring ; and from this circumstance, more than from any natural impulse, which they feel *as parents*, they have been induced to believe, that the duty of bringing up their own children, was peculiarly incumbent on *them*, rather than upon others, who stood in no relation of consanguinity. But, why do we feel more particular attachments to acquaintances than we do to strangers ? Not because there is natural reason for it, further than that by some, and almost always, by many associations, their presence or recollection, gives us pleasure. Why do we prefer a countryman to him who is of another nation ? Not, certainly, because he is a better

man ; or more worthy of our esteem or affection. So now, if I am induced to lend my friend, or to assist my countryman, rather than others ; is it to be said, that I do it from a natural impulse ; and, that if I do not do the same, for the man who is not my acquaintance, or my countryman, that still I act according to the dictates of nature ? Let me be assured that this stranger, that this foreigner, stand in the same *need* for the assistance which I have extended, and would be as greatly benefitted by it ; then, if I am called upon to say, why I should not as readily render it in one case as in the other ; what can I say, but that there is no reason whatever, to make any distinction ? If there be any, why I *do*, rather than why I *ought*, it is this ; that *I myself*, may feel more pleasure from extending the relief in question, to the acquaintance and countryman, than to the stranger, in consequence of some association of ideas, agreeable to me, which do not accompany the same transaction as applied to the latter.

But, it will still be contended, by those who have not considered the subject, as much as it ought to be, that parents are the *natural* guardians and protectors of their children ; and, that the duty of providing for their wants, devolves solely on them *as parents*, in contradistinction, to their duty *as citizens*. But, how is this made to appear ? If such be the fact ; if it be true, that a child ought to look to its parents for support, and to no one else ; then, ought not *nature* to suffer a parent to die ; at least, until all his children are raised to the age of maturity. And further, he ought not to fall sick ; for, in this case, the child may fail of that support, which is necessary to the preservation of its existence. Again, the parent ought not to be visited by calamity of any other description ; nor be circumvented by the designing, and robbed of any, or all that he has. In any of these contingencies happening, what

would become of the resource of the child? Shall that be called a natural resource, which is thus inevitably at the mercy of so many uncontrollable agents; and, more especially, shall we say so, when we can point to one, which cannot fail in any event whatever?

But, we may go farther. How is it to be said, that a parent is the *natural* resource of the child? If that parent be disqualified by *vices* and *bad personal habits*, is he the natural guardian of such child? If it be so, then has not nature done its duty; and art must supply its place.

But the true theory to be laid down in this matter, is this: The child, and every child, as soon as it is born, is co-proprietor with all citizens, in the property of the State. It is not, it is true, at this period of its existence, capable of entering into possession of its rights of property; but it nevertheless has them. They belong to it, and are not to be taken away from it, without the perpetration of the grossest act of tyranny. Why, then, should those who have no children, contribute, their equal share to the raising of the new generation, with those who have? Because they have the property of these children in possession, and enjoy the use of it. This is *one* reason, and it is the same, in effect, as that which obtains, now, where a father dies, leaving minor heirs. These latter have a right to support from the estate; and, to their equal proportion afterwards, if an unreasonable father, through the exercise of the power of the will, have not ordered otherwise. But, there are other reasons. Those who have arrived at maturity, have not done so, without being in debt to a generation which has gone before them. This debt they must discharge, by rendering payment to the generation which comes after them. If I, as an individual, have no children myself; I have, nevertheless, received in infancy, that aid and assistance, which has conducted me to manhood. I

must, therefore, make return to those, to whom only it is in my power. Besides, if a new generation were not to come up ; what would become of me in my second infancy ; in my old age ? There would be none to lend me help. There would be none to comfort my last illness, or to close my eyes in death. I am to be *benefitted*, therefore, in the existence of the new race, which is coming forward. I ought, then, to contribute to their subsistence and support ; *none the less*, because I may not be the parent of any of these ; but, *my full and equal proportion*, because they will bestow on me benefactions, as great as on any one else. Taxes, therefore, will be necessary to create a State fund, out of which, the maintenance and education of the ascending generation is to be afforded ; and I, and every other man, will be properly called upon to pay in proportion ; not to the number of my children, but to the amount of my property.

Nor, are these all the advantages, which *all* enjoy at the hands of the rising generation. The greater our numbers are, the stronger we are for the public defence. The faster we increase, the sooner are great and beneficial public works undertaken and executed. If population, had been greatly more retarded than it has been, in this State, we might not have had the Great Erie-Canal, for one hundred years to come. In almost every way, that the mind of man can conceive, is an increase of population, beneficial, and beneficial to all ; and more especially will it be so, *wherever, there shall be an equal, or nearly equal possession of property among the citizens*. Even my very letters cost me less, in the postage I pay on them, when I am one of a million, than when I am one of a thousand. There is reason, therefore, in *these* considerations, why all should contribute to support the approaching generation.

Thus far is it evident, that the duty of raising the new generation, devolves upon all equally ; and for the plainest of all reasons ; that all are to partake equally of the benefits they will confer upon us, as they arrive at maturity. It would be obviously unjust, therefore, to impose this duty upon parents only ; for, this would be no less than to create a new source of inequality of property among the citizens ; inasmuch, as by requiring more from some than from others, in the rearing the new race, we should manifestly, levy greater contributions on this man, than on that ; though all equally would enjoy the benefits of the objects to which, the contributions were appropriated. This, therefore, is an additional consideration, in support of bringing up children, at the public expense ; though, in the care, in almost all instances, however, of their parents.

At stated periods ; perhaps, at the periods of payment, all these children must be presented to the proper Authority, to verify the fact of their continued existence, and residence among us. Or any other means may be taken that shall seem more judicious. Register will be kept of the date, and place of their birth, parentage, &c. (and death, also, whenever it shall happen, interment being made at the public expense) ; so that all who shall arrive at the age of maturity, may know where to look for the proof of their age and of the place of nativity ; and so that the government also, may have knowledge of those, who, and the time when, they are entitled to receive patrimonies.

Under the best form of government, which the faculties of man, at any time, and under any circumstances may be able to create, there is likely to be more or less of calamity falling upon individuals, which it will not be able to foresee or prevent. As each and every citizen, is therefore, equally exposed to those casualties, contingencies and accidents, by which he may be reduced to necessitous cir-

cumstances, requiring assistance from those of the community, who may happen to have the good fortune to be exempt from them, it is altogether reasonable and proper, that these last should afford the assistance in question. They are the proper authority to judge of the existence of the necessity that calls upon them for help, and the proper body to give it. Under equal liability to meet with misfortunes as we all are; it is *manifestly* proper that we should all stand ready, through the organ of our government, to assist the unfortunate; and nothing can be farther from the spirit of equal and exact justice, than to call upon, or allow the children, for example, to support unfortunate parents; or parents, on the other hand, to be burthened, or burthen themselves, with the support of unfortunate children. More generous and just than this, the government, in fact, should say to the parent, "It is we who will, and whose duty it is, to provide for your children; we will not leave the burthen on you." And to the children it should say; "The misfortunes of your parents, must not fall as a calamity on you; it is for us to alleviate them, since we are altogether more able than you are to do so, and since, also, it is our duty. We cannot, therefore, suffer you to assist your parents, but as members of the community: You will, therefore, abstain from gifts in any and every form whatever; not only, because it belongs exclusively to the community to assist the unfortunate; but, because, if gifts by private citizens, were not forbidden, it would open a door, through which posterity might be defrauded out of their rights of property; since, whatever is given by an individual to another, is, or may be, so much robbed of the next generation; inasmuch, as he who gives, will have so much the less to leave behind him, when he dies, as he may have given to another." These observations

explain and enforce, the necessity and propriety of Article 18, p. 143.

It may not be amiss to add, that in a community, which shall have been based upon the equal principles of this, or any similar work ; men will respect the claims of misfortune, with a feeling of humanity which belongs to our nature as truly benevolent beings ; but, with shame be it said, contrary to what happens in human society as now constituted. Support, therefore, to the victims of misfortune, will be rendered, in the new order of things, upon principles, and with feelings, and with a liberality, which will leave no one any occasion to regret, that such support is rendered by the public, rather than by a private hand. Neither parents, children, or others, will be able to say that they could, if permitted, have done better for those who require help ; and, they will therefore feel no constraint, that they can no longer make gifts, since there will be no longer any occasion for their use.

Article 20. (See PLAN, p. 144,) is as follows :—
 “ Property being thus continually, and equally divided
 “ forever, and the receivers of such property, embarking
 “ in all the various pursuits and occupations of life ; these
 “ occupations must be guarantied against injury from fo-
 “ reign competition ; or otherwise, indemnity should be
 “ made by the State.”

It is possible the reader may ask, what application a provision of this kind, can possibly have, in a system which professes to be made to suit the necessities of a single State ; since any such State, *of itself*, by the connection it has with the Union, can have no power to give it a practical existence ?

The answer is easy. The principles contained in this Work, are either well founded, or they are not ; they are well suited to our condition, as human beings, desirous to

make the most of our means of happiness, or they are not ; they are either exhibited in a plain and comprehensible manner, so that the people, with proper allowance of time and circumstance, can easily understand them, or they are not. If, then, they *are* compatible with man's nature, and his rights ; and if they *are* comprehensible by the people ; such people will feel them to be essential to their own happiness ; and will not fail to order them to be put into execution ; and no power will be found able to prevent it.

But, if the people of *this* State, shall thus be enabled to investigate, and understand this system ; and, after understanding it, shall be prevailed upon by the causes mentioned to adopt it ; so, also, will the adjacent States ; and, more especially those, whose population, in the freedom of their character, closely resembles that of our own. To all the free States particularly, will the principles of this Work extend, if they shall be found to be of any value to this. The extension of instruction, is now so general throughout the Union, that, if it be acceptable here, it is likely to be acceptable elsewhere ; and particularly so, where the evil of slavery does not exist. And, even in the slave-holding States ; the rights of the poor white man, in opposition to what are now considered as the rights of the rich white man, will not fail to be demanded and defended by the former, whenever this Work shall find its way to their understandings. They, as well as we, in our own State, will not fail to make inquiry, why it is, that one white man is better than another ; why he should possess more houses, or lands, or negroes, than another ; why wills are not as unjust there, as in other places ? And, if no satisfactory answer can be given to the poor white man of the South, by his rich brother ; what is to hinder him and his associates from doing as we can and may do here ; that is, making a General Division of all

property of the State wherein he lives, and taking the necessary measures to transmit it equally to posterity?

I go even further. I even believe that if it were possible, in any short time, for the poor white man of the South to renounce his prejudices against the slaves and to admit that it is no more consistent with *right*, that the slaves should be subservient to him, than it is for the poor white man, to be subservient to the rich one; that even the slaves, themselves, might at once be admitted to an equal participation with themselves. Those who have been at the South, know, that among the slaves, there are many, who would not willingly take their freedom, if it were given to them; and, for this reason; inasmuch, as they would have no property; they, therefore, think they could not support themselves. Such is the habit, which slavery has impressed upon their feelings, that they think they would fail of subsistence, if they had not a master! But, if, with freedom, they were presented with lands, and other property also; wherewith to obtain subsistence; the case would be very different; and, nothing could intervene to create dissension or disturbance; if the whites could prevail on their *own* feelings not to envy and oppose, this easy and natural method of extinguishing slavery, and its ten thousand attendant evils. To say that the whites are not capable of labor, would be no less than to say, that nature had made a mistake in creating them; by giving them wants in abundance, without the means of supplying them; and, would be just as true, as it would be, for our rich white man of the North, to say that *he*, too, could not labor; and, therefore, must have white men to labor for him, in every respect as good as himself!

Under present circumstances, however, I think, that such an event is impossible. But, I imagine, that it is very far from being impossible, that the poor white man of

the South, may demand his rights of his rich brother. The day of inquiry into rights, is yet in its morning ; and, men having once awakened to search them out will not cease their labors till they have found them. They will not lay down to slumber on their pillows, till they possess them in full and secure enjoyment. Let the rich, therefore, prepare for an event, of which they can no more defeat or retard the approach, than the Kings and Emperors of the last hundred years, have been able, to refuse to the people of many nations, what they have heretofore denied to them with absolute sway.

It is evident, therefore, that, at least, the free States of this Union, may with one accord, and, as it were, simultaneously, adopt the system now under consideration. Under such a supposition, then, it is a very proper subject of inquiry ; to ascertain how far the importation of foreign commodities, will interfere with the rights and happiness of each individual among us.

To free it of all difficulty, I shall suppose that the System herein recommended, is adopted, at least, by a great majority of the States. These States become then, in this respect, one great community, so far as foreign trade is concerned, erected on it. I shall suppose, too, that the constitutional question is at rest. For, if the Constitution be admitted, now, to *deny* the power to impose prohibition, or prohibitory restrictions on importations, of any and every kind ; yet, as majorities can do any thing, (and the free States are a majority), they can amend it, so as to confer the power in question. And, this power so to amend the Constitution, the majority possess, and have the right to exercise it, even with reference to the existing order of things. Certainly then, their power to make such amendments, under a change of sentiment, in each of the States forming the majority, as it regards the internal disposition

of their own affairs, cannot, in any respect, be questioned.

What now, do we suppose this great community to be about to do ? To make a General Division, of their entire effects, real and personal, equally among all their citizens. And for what purpose ? In the first place, that each may have, in the midst of society, all and equal the rights, in substance, which he would have in a state of nature. And this, it is necessary to do *now*, by a full and General Division, because governments, when they did begin, did not begin on right principles ; they began, and continued, in such a manner, that as the result of these wrong principles, more than nine-tenths of the human race have been robbed of their right of property, and as a consequence are slaves and panders to the other tenth. Therefore, is it necessary to remodel every thing, and begin on principles that are true and equal in themselves ; and to organize public affairs, in such a manner as to preserve this equality unimpaired to the latest period of man's existence. And for what *other* purpose is this general division to be made ? That there may be, among all these citizens, a judicious and equal *distribution of the pursuits of industry*. Thus more labor is accomplished by one man's doing one thing ; another, another ; and so on, through the whole circle of occupations, than could be done, if each one must do something of every thing ; that is, as much as his wants require, even supposing them to be very few, limited and unrefined. How much more is accomplished in this distribution of occupations, than could be, under a contrary system, no man can tell. It no doubt exceeds in numerous instances, several hundred thousand times ; and in others, the ratio ascends to infinity. It is of the utmost importance, then, to avoid every discouragement to the full operation of a system, which produces such wonderful effects.

But what discouragement should I not feel, if, on receiving my portion of the common property—suppose it to come in the shape of money, I should have assigned to me the duty of making *thimbles*, for my fellow citizens ; my portion affording me the capital to do so, and, on my getting them ready for use, I should be told, that thimbles are already brought in from some other country, and at a cheaper rate ? Would my fellow citizens be justified in buying those cheaper thimbles ? Had I expected, that on laying out my patrimony, I who never wanted a thimble in my whole life, should not have been able to have sold these thimbles, would I have made them ? Would I have sunk my patrimony in them, and left myself in utter destitution ? It is understood, of course, that the return I demand for them is no more than equal to the time employed upon them. It is further to be understood, that this labor is no more than would have been expended, if any other of my fellow citizens had made the same thimbles, instead of myself. What justice, then, is there, in their refusing to purchase mine, and in supplying themselves from the foreigner ? I care not what are the foreigner's offers as to price. I do not care, if he have any price ; he may even, if any one pleases, be disposed to *give* them to my fellow citizens. They shall not receive them ! If they do, they break the civil compact ; the bonds of society are snapped asunder ; and I, and others like me, have a right to dispossess them of their property ; and re-enter into the enjoyment of our original right of soil ; or to parcel it off into new allotments. For society is as much a compact to consume the productions of each other's industry, in total exclusion of those of the foreigner as it is for the common defence against the attacks of the common enemy. The moment a cotton-planter, for example, refuses to consume the productions of the spindles, the looms, or the anvils of his countrymen ; and buys the

like articles of *foreign* manufacture ; *I care not at what price* ; that moment he breaks the Social Contract ; and society has a right to thrust him from his plantation, and order *him* to go, and from his own experience learn how useful it is, not to requite industry with its just return. The truth is, that plantation is not *his*, unless he will cultivate cotton, in excess, beyond his own wants of the article, on the one hand ; that he may have a superfluity to afford to his fellow citizens ; and on the other, unless he expends the avails of that superfluity, or so much thereof as he requires, in such articles of the arts and industry of his fellow citizens, as he may need. He may not buy those articles of the foreigner at all. And the reason for this is, that this same cotton-planter, in consequence of my undertaking to make *thimbles*, for instance, has *my* share (by original right) of the common soil, in his possession ; while *I*, who do not want it, give it up to him, and expend my time and capital in doing that for him and others, which they need, but which I do not. If I am not to have return for my capital and labor, my patrimony is gone, my labor lost, and myself a dependent upon him and others, by their breach of faith with me, induced by the appearance of the goods of this foreigner among us.

And such is the argument which will apply to the whole circle of occupations. Each for himself may make the application. No man is, of right, to consider himself the exclusive owner of an advantageous pursuit, of a location on, or title to soil, or other property ; unless he fulfils these conditions. Nature never yet made a farm, or a plantation, and engraved the owner's name upon it. It is government, it is institution, *it is men*, in one word, who have said, who shall be the owner ; and when they shall be ready, or prompted to it, from any motive, they can UNSAY it. They can speak to this farmer, to this planter, as they can to

any other man : " Sir, if you think you can compete with foreign
 " reigners, on equal terms, and make a living for yourself,
 " *you shall do it.* It is *you* who shall manufacture—and we
 " will be farmers and planters. No longer shall *you* have
 " this portion of the domain of nature, on which to practice
 " oppression upon your fellow citizens. We are men of
 " toil ; and we demand that you, and every other man,
 " shall be willing to afford to us as great a return for that
 " toil, *in whatever it may consist*, as you and others would
 " require, if it were yourselves who had performed it. This
 " we will have, or we will raze society to its foundation,
 " and tumble you among the ruins." And such is the
 language which is applicable to all sections of our country
 —and to all classes of our people, and to all the pursuits
 that engage them.

But may not the public power, it is asked, admit, *at all*,
 of foreign productions, rude or manufactured ? It has the
 right to judge ; is my answer. It will have no objection,
 in general, where the importing State does not produce the
 article or its substitute. If it does produce it, then it may
 allow it, if it shall seem good to do so ; but only on one
 condition ; and this condition is, *that full indemnity be*
given to every man in the community, who suffers by such
importation. If it ruin the business of any man engaged
 in the production or fabrication of what is similar, so much
 must be given him, as will not only replace the expenditure
 he has already made, but as much more also as will
 enable him to commence in some new pursuit, and get it into
 the same prosperous condition, as is the one which foreign
 trade is now destroying. And so has every other citizen a
 similar claim, who is situated in a similar manner. If gov-
 ernments took this rule for their guide, they would not only
 do justice to the parties affected by their legislation ; but
 they would take care, oftener than they now do, how they

ruined, in their ignorance, corruption, sport or caprice, the labors of whole classes of the community.

I enter not now into any discussion as to the details of the policy, which the Public Power ought to observe, in relation to importation from other countries. I have desired only to show, that when a man surrenders up his original right of soil, and leaves others in possession of it ; and goes and employs his industry, and the artificial substitute which he has taken in lieu of such original right, (whenever such substitute shall have been given *at all*,) and invests them in the arts, that the community has made a contract with him to consume the productions which he thus prepares for their use. If it be so, and I think it *is* so unquestionably, such contract is to be literally fulfilled : and in case of failure, the community are indebted to him in an amount equal to a full indemnity.

Let, therefore, society be organized upon principles, as regards property, such as that every man must live by his own industry, instead of rioting upon the labors of others ; and there will be no doubt, that he will be as willing, *whoever he may be*, as any one, that there be as ample room as possible for his industry to display itself in. Not to desire this, would be not to understand his own interest ; for, his own interest, under the circumstances I have supposed, would be, to have *as few competitors as possible* ; and in order to obtain *this* object, it would be necessary to shut out the foreigner's productions to the greatest possible extent ; for, by so doing, a much greater variety of occupations would remain to the balance of the community ; who would, or might otherwise have to come and interfere with him, or he with them. Under the organization in question the people would soon tell their governors, in a voice not to be misunderstood or disregarded, what to shut out, and what to admit ; and this latter would very speedily be very

little indeed. If, heretofore, it has been, and still continues to be very great, it is because *those who live on the labors of others among us* ; who have no industry of their *own* to be dried up by importations ; whose resources are not annihilated by that very trade which, as they think, will give them more for their possessions, than their countrymen can give ; have so far held the ascendancy in the councils of the nation, as to be enabled to suffer immense importations to be made to the manifest prejudice and injury of large classes of our citizens. Let *these*, however, be placed in situations where their *own* labor must support them, and *they* will be as ready as other men who live by labor, to shut out the productions of the labor of other countries. Any discussion, therefore, in detail, as to what policy, or rule of policy, the governing authority ought to pursue, in relation to importations, it would be not only out of place here, but would be better left to be judged of by those who shall have occasion first to call it into action.

But although we waste our time to speak of these details, (for they would vary as to different countries ; and even in the same country, as to different times,) still it may not be amiss to offer a remark or two, by way of general principles, as to the theory of a highly restricted trade, in opposition to that which is called free ; a theory which all, or nearly all nations, will feel themselves compelled to adopt, whenever their people shall awake to an understanding of their rights of property, as developed in this work.

That an universal free-trade throughout the nations of the world cannot exist, without incalculable injury to a majority of nations, is evident from this : that, though all nations may have, or may be supposed to have, the same, or in other words, equal *artificial* facilities for the production of the commodities of commerce ; yet they cannot have the same *natural* facilities. Climate and diversified natural

productions ; and these too, in circumstances more or less advantageous, have ordered otherwise. That nation, therefore, which has the greatest aggregate of *both* these facilities, will be the one, which, going into the common markets of the world without any restriction, if the free-trade system is to prevail, will be able to undersell all other nations ; and, if her resources be sufficiently extensive, to break down their industry altogether ; if not so extensive, to inflict on it irreparable injury. For it is not to be controverted, that those will sell, to the exclusion of all others, who will give the most for the same money. And he who has the greatest natural and artificial advantages, is the one, of all others, who *can* give the most. Thus of two nations, alike in the number and skill of their people, alike in every circumstance save one ; that is, that the wheat-fields, for example, of the one, with the same cultivation, yield double the produce of the wheat-fields of the other ; one will have advantages over the other, with which the latter cannot contend even in his own country. So, in some countries, three crops of wheat are raised in a year, with less expense than is obliged to be laid out, in other countries, to produce one. All other circumstances being the same, the latter, on free-trade principles, would never raise its own wheat ; much less export it to foreign countries ; and the field that should produce it, will be left barren ; and the men who should employ their industry upon it, will bury that industry in the grave of idleness for ever.

But, it is not, usually, in a single particular only, that nations are found to have advantages over others, in natural facilities and resources ; and the consequence is, that such fortunate nations, in a system of free-trade, must, and inevitably will, have the power of greatly injuring less fortunate nations. The only protection against such a calamity, of which these latter can avail themselves, is, to

resort to exclusion ; leaving the principles of free-trade to operate only within their own limits ; and, *within these*, their operation should be unobstructed by the slightest hindrance.

But, if the power of fortunate nations appears so formidable to the prosperity of others, who are less so, under the supposition that their artificial facilities are equal ; how much more dangerous to the latter, may it not be, when nations which have the greatest natural, shall happen to have the greatest *artificial* advantages also ? Against such competitors, there could be none but an unavailing and suicidal attempt at competition.

It is evident, therefore, that statesmen, who have contended for the application of the free-trade system to the commerce of the world, have not considered, that the physical constitution, itself, of the globe we inhabit, forbids it, by a decree, which man has not the power to revoke ; since he cannot make all climates similar and equal : and and have not reflected, even if he could make them equal, that still we could not have free-trade. We should then only have free *ports*, into which the vessels of all nations *might* enter ; but which they would have no inducement to enter ; since, all climates being equal and similar, I, for example, should buy sugar of my next door neighbor, rather than to purchase it of a man who brings it from a distant country, and who, in consequence, must charge me more for it than my neighbor will demand.

If there be those, who, living in an unfortunate climate, still wish to have the productions of climates more favored, and at prices consistent with *their* advantages, they should know that there is only one way in which their wishes can be gratified, compatibly with the welfare of the State in which they live ; and that is, *to emigrate to the favored country in question*. Any other method of gratifying their

desires, would lead to the destruction of the happiness of those among whom they live, by rendering it impossible to cultivate whatever advantages and resources they might happen to possess. There is an old proverb which says, "As you make your bed, so you must lie." And we may say much in the spirit of it, that *where* a man lives, *there* is the country which must afford him, chiefly, the means of his subsistence ; and foreign nations must be allowed to come as little as possible, with their productions into its market. Thus will the whole, or very nearly the whole fund of the industry of the country, be reserved for its own people ; and this fund, in a System of Social Institution, which aims to place all men in situations in which they will be compelled to live by their own labor, cannot be preserved with too much care, perseverance, and tenacity.

As it regards the application of these principles, with respect to the United States, which may be called a great importing nation ; it might be shewn, that by resorting to the system of a vigorous exclusion of the productions of the industry of other nations, an addition would be made to the fund of our own industry, of probably fifty millions of dollars annually. Our imports are now about eighty millions. This is the Custom-House valuation, which is always below the truth. To this consideration, smuggling is to be added ; so that if we put our imports at one hundred millions, it will probably be none too much. Now, there is no doubt, if we were to cease to purchase these 100 millions worth of merchandize ; such is our commercial and political situation, that we should still be able to sell to the world at large, at least fifty millions of our produce ; thus making an addition to our industry of the other fifty. And this, and more, would be required, when the unproductive classes among us should be compelled to live on their own labor, instead of the labor of others. Indeed, there need

be little hesitation in saying, even as things are *now*, that there is, at this time, a sufficiency among us, of unemployed industry, so to speak, to perform, thrice told, all the labor that would be necessary to earn the fifty millions of dollars in question, if foreign trade did not take it out of our hands.

To these reflections may be added another ; that the system of a severely restricted trade would bring along with it another advantage. *This* is, the impossibility there would be of the existence of speculation in the rise and fall of the prices of the commodities of commerce. A home market, held exclusively by our own citizens, would be unfluctuatingly steady, or very nearly so. War or peace would scarcely affect it at all. In this point of view, it would be of the utmost importance ; inasmuch as it would be evident that no man could make his possessions greater than another's, otherwise than by greater industry, economy and skill. Opportunity for speculation being cut off, by having as little commercial connection with foreign nations as possible, it would have no field in which it could operate at home. For all men, being nearly equal in point of property, no one would have the means, as now many have, of monopolizing whole markets, through the agency of gigantic credit or capital ; and in the new state of things, nothing could be done in this way, but by means of conspiracy or combination ; and this the laws would punish and prevent.

One or two remarks further, in relation to this branch of my subject, it may be well to make. There are those who, contemplating the unhappy effects visited upon children employed in many of the theatres of national industry, in many countries of Europe and elsewhere, have felt and still feel a strong repugnance to this national industry, on that account. But it should be remembered that, in the

proposed new modification of society, the tender years of children would be devoted to instruction and education ; and that none of them would be put to labor of any kind, till nature had given them age and strength sufficient for the accomplishment of what would then be required of them. It is to be considered also, that many of the processes of the arts, which now call for the employment of many children, will, under the new organization of things, (the event is happening even now,) be so improved and modified, as to supercede, sooner or later, all necessity for their help ; and thus enable human society to profit by these arts, more without the assistance of these children, than now they can with them. I trust, therefore, that those who have felt objections to take care of and encourage the labor, in whatever it consists, of our own people, in exclusion of that which is foreign, from humane and kind considerations to the welfare of children, will see that they will have no cause for such objection in the equal condition of things which it is the purpose of this work to recommend and maintain.

The view I take of the probable extent and condition of our foreign and domestic commerce, under the contemplated new organization of human society, provided all, or even a majority of the States of our Union, should adopt it, makes it proper to say a word in respect to our National Navy. It will be said, that if all men are to have equal property on coming to the age of maturity, and previous thereto, equal education, that it will be impossible to find men to man it. Be it so. And let the navy go down for ever. If it be said that a strong naval power would then command all oceans ; I answer, that it may be so. So might the armies of Napoleon, if they were upon them, subjugate the deserts of Arabia ; and what would it profit him ? If any nation desires it, *let them*, by their navies, conquer these oceans.

All that the rest of the world has to do, is, to make them an Arabian desert to *them*. Not to trade between nation and nation, or only to trade in swift sailing vessels, at the hazard of their owners, will accomplish all this. There would then be nothing but loss in such conquests ; and the consequence would be, that they would be speedily renounced for ever.

It is to be said, besides, that nations, which are commercial, and sufficiently so, to create and maintain such a navy as would be of any avail in any such attempt, are possessed of a population having intelligence sufficient to understand the plan of government marked out in this work ; and will be altogether likely to adopt it, if it shall be so fortunate as to be adopted in this country. In such an event they would be as desirous as ourselves, to have nothing to do with navies ; and thus they would sink into non-existence for the want of support.

Thus far has this work proceeded in discussing the moral and political features of all governments, as they are now constructed : and thus far is it seen how these features can be modified so as to compare much better than any system does now, with the actual equal rights of all men. Thus far will it appear, that all governments may and ought to be put down, which do not preserve to all these rights. If it be *one* man's right, to let the earth out on hire, so is it another's ; if one man may *not* sell to his fellow-men, the *use* of what God created for all, and for one as much as for another, so may not another. If one may live without labor, so may another ; if one may live with *little* labor, so may another ; if *one* must live by *much* labor, so must another ; if one man may take another's labor, and appropriate it to the support of him who did not labor, so may any and every man do the same. If one may have, of the property of a generation, that has

gone before us, five, or ten, or fifty, or a hundred, or five hundred thousand dollars ; or a million, or five million, so may another, and every other. Nor is it to be said, even as things are now, that it is the dead who ever give property to their successors, after all. IT IS NOT THEY WHO GIVE : they have power to do nothing : for, if they had, many of them would carry it away with them to another world, if any such there be. It is THE LIVING who give the present holders of property the possession of it ; *it is we ourselves*, (for in us and us alone, rests the title,) who have done it ; and who yet allow it to be said, and hardly without contradiction from us, that others have done it : it is a mistake : IT IS NONE BUT THE GENERATION PRESENT,—that gives, to what are called heirs, the possessions they enjoy ; without this gift, this unjust and undeserved gift, they could not and would not have it at all ! It is in OUR POWER, then, to CALL BACK the gift, whenever we shall think fit ! That NOW IS THE TIME, need not further be shewn ; for in showing that ALL MEN HAVE EQUAL RIGHTS, as well TO PROPERTY, as to life and liberty, every thing is shewn that is requisite. The time for *acting* on these principles is, when they are seen to be true ; whenever they find a confirmation of their correctness in every human breast.

It remains then now, to speak more particularly of the methods which will be found most convenient in practice, to bring about the General Division in question. It may appear at first view, to be a matter of great difficulty to do it, however just and proper it may, in itself, be.

But on examination, it will be found to be of very easy execution, although it is a subject interwoven with the concerns, with the multiplex concerns, of more than two millions of people. But when so important an object as

the re-possession of man's rights, is to be achieved, means will be found which were scarcely imagined to be in existence. And that so great a work, can be so easily done, is, I think, one of the strongest proofs of the genuine character of the rights in question.

I shall suppose, however, that the course I recommend to be pursued, is the one which shall be adopted, and that the details necessary to execute it, will be much of the character, which I now proceed to describe. If the reader shall think that the measure of disavowing all debts, &c. &c. is too bold and daring, let him suspend his opinion, till I have an opportunity to show him, that both justice and policy demand it; that in its operation it will be found to injure no one's just rights; and that it is the cheapest, surest, readiest way in which he can obtain his own rights. The first of these details consists in an universal suspension of all business, except in so much as is necessary for subsistence, until the whole can be accomplished. All persons having domicile or residence, will remain where they are. Those who have not any fixed residence, and many unhappily there are, especially in cities; a grievous evil, this, growing out of the present system of the rights of property, will have such residence provided for them. All without distinction will have food and fire, (perhaps after the manner of rations) furnished to them, at the expense of the State, until the division is accomplished.

That all this may be done in the shortest time possible, it must be the work of many hands: for the old saying is, "Many hands make light work." In numbering the people, then, and in taking an inventory of their property, of whatever kind it may be, it is necessary to subdivide the whole surface of the State, into a very great number of small sections, or departments. And these small sections are more particularly requisite in cities. Thus, the wards

ought each of them to be divided into three, four, five, and in some cases, even more departments. The counties in this State, being as I believe fifty-four in number, are subdivided into about seven hundred and fifty-seven townships.* These I have ascertained, upon an average, may have a surface of about sixty-four square miles, equivalent to about 8 miles long by 8 broad. This would probably be too large a surface to be suffered to compose one department. The number of school-districts, in these townships, cities included, amounts to eight thousand six hundred and nine.† This would give about eleven such districts to each township. If the departments were made as numerous and as small, of course, as these districts, and were made identical with them, it would be to subdivide the State into departments sufficiently numerous and small. And perhaps *two* or *three* such school-districts, might be quite as conveniently made into one department. In the latter case, three for example, the number of departments would amount to about twenty-eight hundred. Each of these departments, then, in the interior, would contain about five hundred and fifty inhabitants upon an average; and occupy a space of about sixteen square miles; that is 4 long and 4 broad. This would probably be as small as the departments need be, for the purpose in view.

Each of these departments, for themselves, and not by any intervening authority, should choose their assessors, appraisers, and whatever other officers may be wanted to carry the proposed measure into execution. This is an important point, to be attended to. It is the inhabitants of those departments, who would know best who among them were suitable. They would choose men, the best

* See Report of Superintendent of Common Schools.

† See same Report.

qualified, both as regards *integrity*, and, from habits of business, judgment of the value of all kinds of property. But as no man can be supposed to know every thing, in a matter of this kind, each department should be called upon to organize a committee, to be composed of men acquainted with the value of all kinds of property likely to be found within such department, to go with the appraisers and assist them to form a correct opinion. At the same time that they take this assessment or valuation, they take the census also. But of the details of this part of their service, I shall say more, by and by. In making valuation, the new condition of things in which we are about to enter, is to be considered. It is to be considered that the same principles of valuation, which prevail now, are not to be allowed to have action here. Thus nothing is more common than for an appraiser, now, to make up his mind that such and such a sum would be obtained by a forced sale, either private or public, and to fix his valuation accordingly, whereas this forced sale affords a much less sum than actually the property has honestly and judiciously cost, and less than it would bring, even under the present operation of the prevailing system, acting in the most benignant manner of which it is capable. But the approaching system presents new features. It brings into the market, the whole community as purchasers, by giving them means of purchase; and competition, therefore, to elevate every article to its full value, is made to exert all its force. In the appraisal of articles of property, of which *use* has been made, nothing is more common, than to reduce the price of it greatly below its actual value. For the actual worth of an article, which, with proper usage, will last ten years, after the expiration of five years, if it has had proper usage, is equal to half what such a new article of the same kind is now worth, and in addition thereto, half the value of its

material, whatever it may be. Other articles, again, from their being in the hands of men who do not know the best application of which they are susceptible ; although often new, or nearly so ; or knowing, cannot succeed in finding those who do both know, and have the disposition and the opportunity to apply them to their best use ; *and who have also the means of purchase*, are often put down at a value merely nominal ; whereas if all knew they could purchase, and could apply the article or property they purchased, to a use which would be valuable to them, no species of property would be suffered to go unbought, at its full value, nor unapplied to the purpose for which it is most beneficial to society.

And herein do we see, in a signal manner, the self punishment, which the present system of obtaining riches, inflicts on those who avail themselves of it. For often when by the force of necessitous circumstances, the rich man succeeds in obtaining property from another, at a price, greatly below what it cost the producer, we see it *remaining on his hands, more or less unproductive*. And for the very reason, that he, and other rich men, by the arbitrary and unnatural condition of things, in which every thing is placed, and by which he and other rich men together, have the power to do so, *have actually prevented every body else, from being able to purchase*. They realize in themselves, the absurdity and folly, as well as the wickedness of the man, who as the story is told (a very humble story, too, it is true although not altogether inapplicable) wished every body to die, in order that he might set up a public tavern. So do the rich desire to get the whole world into their possession and afterwards expect to find purchasers for it, and that too at full prices.

It will be proper, then, to take into consideration these circumstances ; and when it is done, it will be apparent

that no valuation of the property in this State, that has ever been taken, has ever given any thing like the amount, which it would now bring, if put up at public sale, to an entire community, of whom every individual has as much as another, in the means of purchase.

These appraisers, and their accompanying committee, should also designate, the lots or quantities of property, to be put up to sale, to be knocked off at any one bid. Thus indivisible property, such as a Steam-Engine, is not to be divided at all, for reasons that need not be stated. A Steam-Boat is also of the same description ; so also is a Church, and many other kinds of property. On the other hand, property, particularly of a personal kind, should be divided as much as possible ; so that all may have opportunity of purchasing what the satisfaction of their wants may require. Thus it would be manifestly improper, and useless to set up whole bales of broad cloths, sheetings, shirtings, &c. and so again as it regards mechanical, domestic, agricultural and other implements. If it be said that people from the interior will require many of the goods, for example, in this city, and that under such an arrangement they could not obtain any ; because they cannot be supposed to be able to come to New-York or other cities to attend the sales ; I answer, that the way in which this is to be done, is this.

It is understood, that every citizen of the State, of full age, will have, after the appraisal and inventory have been made out, a credit on what may be called the " Credit-Book" of the State, equal to that which any and every other person will have on the same book. If now, there be, for instance, five hundred, or any other number of persons whatever, in Jefferson County, for example, and these should be desirous of obtaining goods in this city, they have only to select an agent that suits them, and in-

struct him to come here, and make such purchases for them, as they may require. In order to have the means of payment, a portion of their credit, will be placed in his hands such in amount, as those who place it there, may choose to determine, and those who thus transfer any portion of their credit, to such agent, in trust for their own use, will be charged on the same book, with its amount. This credit, therefore, in the hands to which it may be committed, is the same thing as money ; only that on arriving in our city the person entrusted with it, calls on the public agent or agents here for its verification.

It may be as proper, here, as elsewhere to observe, that when the General Sales take place, owing to local circumstances, which are not necessary to be mentioned, strangers from other States and places, will be present to purchase also. These should be informed, previous to the time of sale by public advertisement, that nothing but gold and silver will be taken in payment. Bank notes being nothing but a species of credit, the State will not undertake to sell the public property, and take promises of any kind, or of any body, or any institutions in payment.

In all places, after valuation or assessment is made, all personal property except so much as may be necessary for domestic or family use, until the time when the new order of things is fully established, is put in charge of the State, immediately after the valuation of each person's personal effects is completed. But, in very few instances will it be necessary to remove any thing. The houses, buildings, and apartments in which they are contained, may be sealed and locked up and remain so, until the time of sale. As it regards personal property left, as it were by necessity, in the hands of families for their temporary convenience, they are to be answerable for its forthcoming, at the peril of imprisonment, such as would now be visited upon them,

for larceny, unless cause were shown to the contrary. As it regards personal property in dress; the holder, if he chooses to retain it, does so, by subjecting himself to the payment of the valuation which shall be imposed upon it.

In the country, it happens, often, that there are small farmers, who ought by no means to have so little land as they now possess; and who in the new order of things, will be entitled to more. Wherever circumstances will admit of it, more land, contiguous, is to be adjoined to it, in order to make such farms of profitable and equal size. And where it cannot be conveniently made contiguous; it should be made as little remote as possible. And where other farms are manifestly too large, such for instance as is sufficient to make more than the average size, they are to be divided accordingly.

All vessels in port, as well as property on board of them, belonging to our citizens, is considered to be within the possession of the State, as intended by Article I. p. 137, notwithstanding they may happen to be absent, on voyages without the State. These arriving before the completion of the sales, are to be appraised and sold in manner the same as all other property. And persons arriving before the period mentioned, are to be entered, if they have not been entered, in the census accordingly. The number of such persons will bear but a fractional ratio to the whole population, perhaps even less than the two thousandth part. All absent persons, being citizens, of full age, whose names shall not have been caused to be recorded by their friends and acquaintances, and who shall not return anterior to the closing of the sales, will be considered in the same light, when they do return, as minors arriving at the age of maturity. All ships, and the property on board of them, belonging to our citizens, which shall arrive at a period subsequent to the completion of the said sales; shall

be sold as soon as practicable, thereafter, and the proceeds applied to the benefit of minors afterwards coming of age ; and others who shall not be present at the General Division.

Public school-houses, and the property immediately attached and necessary to them, not belonging to corporations, associations, or individuals, to be exempted from sale ; so also, large, and valuable libraries. These are to be retained, subject to the future disposition of the State. The latter being particularly valuable, on account of rare books &c. it would be injudicious to have scattered again, after having been collected with much care, trouble and expense. It is better, therefore, that the State should secure them, so as afterwards to extend their benefit to the community in a manner as general as possible.

To facilitate and expedite the transaction of the labors of the Appraisers ; as soon as a suspension of all business takes place ; every citizen will so arrange and assort whatever he has of property in possession, as to leave little to be done, when the Appraisers come. This he will be easily enabled to do—inasmuch as he will have nothing else to employ him, and inasmuch as it will be the duty of others to assist him. And it will be to his interest to shorten the period necessary to effect this general distribution ; inasmuch as the sooner it is over with, and done as justly and equitably as it can be, the better for him, as the sooner he can commence business for himself.

When the period of sale arrives, (and this should be at a season least interfering with the ordinary business of life ; and when, at the same time, the weather would not be too inclement to transact business, to the best possible advantage,) persons who are sick, and who, therefore, cannot bid for themselves, may authorise others to bid for them. And persons absent and attending on the sickness or burial of others, may also do the same.

As now, the husband bids in right of his wife. If the husband be absent, and have authorized no person to bid for him, the wife may bid in his stead.

As at public sales now, no property will be delivered till afterwards ; in most cases, probably, not till the sales are generally dene with. All persons to whom any thing is struck off, givs in the ames ; these, and their amounts, are entered in a book, in alphabetical order ; and when the sales are over, then it is ascertained who, if any, have exceeded their bids, and how much ; and accordingly they receive a written or printed permission, signed by the proper authority, allowing them to receive what was struck off to them.

The order of time in which the sales should be made, should be such as not to be too much hurried, nor too much protracted. Too many should not be going on at a time, nor too few. The public authority will superintend this matter, and regulate it as it should be ; but in doing so, the order of arrangement should generally be such, that, on any *one* day, for example, articles of one kind only, should be offered up to sale ; yet the sale of this one kind may be conducted in a great many *places* at one and the same time. Thus, all who should need groceries, ought to have an opportunity to buy them ; and in order to have such opportunity, on the same day on which these groceries are sold, other property should not be offered. Otherwise they would, or might be, prevented from having an opportunity to purchase. And so with every other article. The classification, indeed, of all property, offered up for sale, should be made very extensive, so as to be able to suit, very accurately, the wants of all purchasers. For example, dry-goods, as they are called, would admit of being divided into several classes.

The reason that may be offered for being so particular, when the census is taken of the people, as to require the *name, date of birth*, as near as may be, annexing, of course, the age, the *place of nativity, parentage, sex, color, occupation, domicil or residence*, and length of time resident since *last* resident in the State, is, that as many avenues to fraudulent pretensions to citizenship may be closed as possible, by opening every resource for detection. There is, besides, another and more important reason ; and it is this, that as there are, throughout the State, a multiplicity of names, exactly alike, much confusion might ensue ; but if all these circumstances were added also, it would scarcely come within the range of possibility, that any mistake should happen ; and as each department, even in our cities, would be made to consist of only a moderate number of persons, these persons together with the public authority would easily devise the means of preventing any one succeeding in an attempt to appear under the character of two or more different persons. It is to be observed, that severe punishment would hang over him who should be guilty of the commission, or the attempt at commission, of a crime like this ; since it would be no less an offence than that of grand larceny ; and would consign the offender (such might be the punishment) to prison for fourteen years. And every person would have a deep self-interest in bringing to light any, and every attempt of the kind.

The work of making such appraisement, of taking such census, and receiving the inventories, where every body, without payment for services of any kind, concurred to assist, and where as now, there would be nothing else to attend to, further than providing meals, would be very speedily accomplished. The appraisement, census, and inventory of the whole State would be completed, in a very few days,

probably in a single week.* So soon as the appraisers, assessors, &c. of each department have performed this duty, they would next, each for their own section, make out a book; which may be called the "Department Inventory"—and this would contain :

1. The *names* of all persons, being citizens, of and over the age of maturity, in alphabetical order, with the designations heretofore mentioned.

2. The *amount* of all *personal property*, in the possession of such citizens.

3. The *amount* of all *real property*, in the possession of such citizens.

4. The *amount* of all real property, held by persons, being citizens of other States, and residents therein.

5. The *amount* of all property of a *personal* kind, held by associations or corporations :

6. The *amount* of all *real property* held by the same ; and

7. The *amount* of all other property, of a public nature, which the State may allow to be set up at public sale.†

* It may be as well, in a note as elsewhere, to say that probably the full and complete division of the State, would be effected in six or eight weeks.

† It would no doubt be very useful also, and it will probably be put in practice, if the proposition which this Work contains is ever acted on ; to give as far as may be convenient and practicable, the gross amount, in quantity, in the whole State, of various kinds of property ; particularly of commodities which enter into general consumption. Thus it would be desirable to know how much there may be of flour for example, and other provisions ; of sugar, coffee, and other groceries ; of cloths and all the various kinds of clothing ; &c. &c. &c., in order that some estimate may be formed among the citizens, of the quantity that may be

A similar Book, to be called the "Department Alien Book," is to be made out, embracing *aliens*, in the same manner, as far as their circumstances are applicable.

Each department will also make out, what may be called the "Department Minor Book." This will contain the names of minors, in manner the same as is observed with respect to persons of full age ; and in addition thereto, the time when they will arrive at maturity. To this will continually be added, the births that take place ever after ; and from it will be taken the names of those who may die. Once a year a copy of this "Minor book" will be forwarded to the centre of the State, to ascertain the number and names of those who may have arrived at the age of maturity.

So soon as the departments have made out, each for themselves, the "Department Inventory," and the "Department Alien Book," let them make out a copy of each, and despatch a special messenger to the capital of the State, therewith ; and so soon afterwards, as another copy of each can be prepared, let, also, another special messenger be despatched with it, lest accident should prevent the arrival of the first ; and so on, a third, if it should be judged expedient. The State would thus make itself sure of receiving its returns, without delay. Otherwise the

proportionably coming to each, when the period arrives for them to purchase at the Great Public Sale. And to accomplish this the more effectually, as it regards some kinds of property, which do *not* enter into general use, it would be well to ascertain, in like manner, the *number of persons*, following particular trades or occupations, and requiring such commodities ; so that it may be known, for example, how many smiths, and other artificers in iron, there will be, to purchase the articles they use, and which the State may be found to contain.

whole population might be waiting on a single department.

The *State* having received all its returns, let there be made out in alphabetical order ; “ A general Inventory of the State,” in manner the same as the “ Department Inventory,” naming only *persons*, &c. and *amounts* ; and let there also be made out “ A General Alien Book,” similar to the “ Department Alien Book.” Next let printed copies thereof be made, in sufficient number, and sent to each of the departments ; first before printing, having ascertained the *total amount* of real and personal property in the State ; and divided it by the number of persons, of and over the age of maturity, in order that the dividend with which each is to be credited, may be made known. The objects of this “ General Inventory” are seen without explanation, but the purpose of the “ General Alien Book” may not appear at first sight. It is meant to guard against collusion as much as possible. By thus obliging aliens to record all their effects. &c., together with the names, places of residence, &c., and by spreading such record before every citizen, throughout the State, great opportunity is given for such persons to fall under suspicion, if they shall appear to possess *more* property than their acquaintances, either in the departments to which the “ Alien Book” attaches them, or elsewhere, shall think they are honestly entitled ; and suspicion often brings about detection. The knowledge, therefore, of the existence of such a book, would have a powerful effect in preventing crime, which otherwise would be more freely committed.

In each department, previous to sale, from the time when the inventory is made, by the appraisers, assessors &c. let there be a very full and sufficient advertisement made of such property as requires it, in order that the public may have ample opportunity of becoming acquainted with it. Let this be done, while at the capital of the State, “ The General Inventory of the State,” and the “ General

Alien-Book," are in preparation. Let every reasonable facility be afforded, under proper regulations to inspect such property.

So soon as the general sales are completed, returns are again to be made by the departments, to the Central Authority, of the amount sold, and the persons to whom, each in *his amount*. The total amount of the sales, throughout the State, is next ascertained; a new dividend made; and this is the amount which each is entitled to retain, as his patrimony from the State. If he has bought more, he is a debtor to the State; and must repay the excess either now, or at some short period hence and if he have bought less, he is a creditor; and is entitled to receive his deficiency. See Article 9. p 140.

CHAPTER VII.

REASONS,

In continuation, for a General Division of Property—and for the method proposed to be pursued in effecting it.

The two preceding chapters have been confined, principally, to showing, if even an equal division were admitted to have been made, how easily and quickly such equality would be destroyed; if charters, conferring exclusive privileges, were allowed to be granted; if disqualifications for civil office, or for any other purpose, or, if exemptions from equal contribution to the public treasury, or to the public service, were tolerated either in the constitution or the laws; if the right of property were not extended to all, without regard to color, or other factitious and foolish distinction; if the right of suffrage were not equally extensive;

and if parents, *more than others*, were compelled to contribute to the support of their children, during their minority.

It became necessary to examine all these questions, in discussing the various articles of the PLAN, proposed to the consideration of the reader, at the close of the IVth Chapter, (pages 137 to 144 ;) and it is apparent that they are involved in the details, rather than in the main subject. For it was, as a matter of course, to be admitted that a division, in some one way or other, could be effected. Thus, for example, if we could suppose all the present possessors of property, to have such a just sense of the right of all their fellow-beings, to an equal share of it, and to have also such a sense of rectitude as to give it freely up to them for its equal subdivision among them ; the discussions on the subjects mentioned, which have taken place, would have still been necessary ; so long as the public mind, or any considerable portion of it, was afflicted with the errors, which it was the object of these discussions to explode.

But it is not to be admitted as a general principle, that the rich will give up what they call their property willingly. The force of habit on them is as strong as it is on others ; and although they may and will be compelled to see the injustice of the title by which they hold possession ; yet, many of them, will resist the force of that conviction, which will be sent home to their understandings, and will cling to an undue share of that which belongs to all equally, with nearly the same tenacity with which they cling to life itself. Those who expect to be the successors to these possessors of property will also, many of them, display their hostility to that system which proposes to reduce them to the common level of their fellow-citizens ; much in the same way, as we behold the successors of

those who possess political power, which is to descend in an hereditary manner. Nor in point of principle, is there any difference in the two cases. Certainly in a republican government, it will be quite as proper to admit of hereditary right in the son, to his father's political power,—as to his property. Let no man mistake himself so far as to deny this ; for, if he shall be disposed to say that the political power, spoken of, is not his ; but the *property* is ; I answer, it is not so. He has both of them, for the time being ; and after he has done, with either the one or the other, they are no longer at his disposal. He has no just power to say, into whose hands either shall succeed. Let it be recollected, too, that as in the case of political power, when it is deposited in the hands of an agent, for the common good, such power, *at any moment*, when the community shall think proper so to order, may be taken out of his hands ; so also, the property, which any community, *no matter for what reason*, has heretofore suffered to remain in my hands unequally ; whether it be in ignorance of their own rights, or otherwise, may be taken out of *my* possession, by the great community, of which I am a member, and be appropriated to the good of all equally ; for it is to these, to whom it belongs ; and not to me, beyond my equal portion.

But as, when they fully understand their rights, their interests and their happiness, a very great majority of any nation will, I may presume, be found to be in favor of the principles which this Work supports and inculcates ; and as such majority will possess almost the entire physical force of the State ; there is but one way in which those, who shall wish to oppose the will of such majority, may be able to do it with success. This is, by fraud and cunning. There will be those who, even under an oath having been given by them to the contrary, will go and bury their dol-

lars in the earth, rather than report them in their inventory. Others would send out of the State, or otherwise conceal, their personal property, subject to their future use ; and remain themselves to obtain their share of the general dividend ; notwithstanding heavy punishment might hang over their heads for having done so ; and notwithstanding the perjury they would find it necessary to commit to conceal the act. Others again would enter into collusive understandings with strangers, not parties to the proposed division, to make claim to their property, in order to keep it out of the general division ; although for all this conduct, the same awful peril to person and character, would attend the transaction if detected.

It is evident, therefore, if the few, (for the rich are the few,) may be able, by fraud and cunning thus to counteract the designs and the rights of the many ; that the method to be pursued in obtaining *possession* of the property to be divided, should be as effectual as it is possible to make it. And yet it ought to be of such a character, as not to do injustice to a neighboring State. Thus it would seem that the landed property of a citizen of New-Jersey, which he holds in this State, should not be given up and apportioned among our own citizens, without giving him an indemnity. And so might the same be said, of every other citizen, of every other State or nation. Nor indeed would there be any objection to giving such indemnity ; provided all the landed property, or the full value thereof, which our citizens own, in all other States or nations, could be wrested from them, and placed in our State Treasury. For, then, this sum, so placed in the Treasury would probably be equal, and perhaps more than adequate, to pay the amount of the indemnities in question. It would, in effect, amount to an exchange between foreigners holding land here, and our citizens held-

ing land abroad. Let us now suppose that such an exchange had voluntarily taken place, and that all the land within the State was actually owned by our own citizens, and none by foreigners of any kind or description whatever ; what then might not be said ? Could it be pretended, that the land which the foreigner lately owned within our limits, and which, by way of exchange, he has just conveyed to one of our own citizens, should not and ought not to come into the division. No man's property ought to come in unless good reason be shown therefor. And one good reason may be that his *title* to such property is not a just one. Now, the titles to all men's property, are things which all communities have a right to inquire into. Thus they have a right to inquire into the title, not only of the man who might have received his land from a citizen of New-Jersey, of Connecticut, of Vermont, of Pennsylvania, or of any other State, but also into the title of every other citizen, and of every other kind of property.

It matters not as to the kind of tribunal,—which shall be appointed to try their titles, so that it decides justly. The whole community, may appoint agents, whom we call judges ; and order *them* to enquire. Or the community may do it, *itself*, in its own primary capacity. It may investigate every man's pretensions ; and after having done so ; it is proper for it to say, if it thinks so ; to this claimant, “ you hold too much ; you have more than is your own ; ” to that, “ you have too little ; receive from the other, what he holds too much ; ” and so on, through the whole community. Nor is this community, so acting in its primary and original character ; to receive rules or principles from any one, by which to govern its decisions or to guide its judgment ; it acts for itself ; and upon principles, *which it sees, itself, to be good and equitable, and upon NONE OTHER.*

If then, there shall appear to be some thing worthy of consideration; and about which we should hesitate, when it is proposed to take the lands, in this State, held by a citizen of another State, without indemnity; so also is there similar consideration due to the creditors of our citizens in another State, when it is proposed to nullify the debts which are due to them. But investigation will set the matter in a clear light, such that we shall see justice done to all parties. For, *it is impossible that men can have rights, and that there shall be no way in which to come at their possession.* They were made for their enjoyment; and the means were never wanting to obtain them, by any people, when they saw in what they consisted, and when also they possessed the means of creating among themselves a perfect concert of action, by the agency of a community of opinion.

But, if we are to hesitate when it is proposed to abolish the debts, or to appropriate the lands in question, on the one hand; so on the other, are we to hesitate, before we undertake to say we will not do it. Besides there is not so much of inequality and injustice in such an abolition and appropriation, as at first thought might appear. For, it is to be understood, that when we refuse to pay any debts, we refuse to receive any also; and that when we take ourselves land, which are within our State, owned by citizens of other States; we also renounce all lands owned, in other states, by our own citizens. And speaking for his own State, a citizen of New-York, might probably say, that in the aggregate, however it might be in particular instances, we should give up, quite as much, as we should retain, and probably more. In the gross, therefore, there would be no injustice done.

But, let us look at this matter a little more minutely. Suppose this State to renounce debts in its favor, to the

amount of one hundred thousand dollars, due from sundry citizens of New-Jersey to our citizens : Suppose, again, this State refuses to pay to sundry other citizens of New-Jersey, a like sum of one hundred thousand dollars, due to them, by our own citizens. As between State and State, the account would be exactly balanced. There would be no injustice done, by or to either party. But individuals, on the one hand, would be the losers of the whole amount; and on the other hand, other individuals, in the same State, would be the gainers. Suppose the State Authority of New-Jersey, now, to interfere and order these gainers to give all they have gained to the losers ; would it not be perfectly right ? And would it not equalize every thing, precisely as if New-York had received and paid all ?

Again, if the debts renounced by the State of New-York were still as I have supposed them to be ; that is, one hundred thousand dollars ; and the debts refused to be paid, were one hundred and fifty thousand dollars ; New-York would be a gainer to that amount : and there would not appear to be any means, in the system I am recommending, to replace to New-Jersey this sum, which she had thus lost.

So, on the contrary, if the State of New-York renounced debts to the amount of one hundred and fifty thousand dollars, it would lose fifty thousand dollars; and there would appear to be no resource from which she could replace its amount, unless it were from the average result of all her debts and credits.

But we should not forget ourselves. We should remember that it is impossible for such a state of trade as this to exist between the State of New-York, and the State of New-Jersey ; or between New-York and any other State or nation, whenever it shall appear that there is shortly to be, in this State, such a division of property as I have proposed

in this Work ; and when, in order to accomplish it, it appears also, as I shall show, that there must be an absolute and unqualified renunciation and abolition of all debts. Those who are in the practice of trade, look well after all that concerns it ; and when they see, that, shortly, they cannot tell *how* shortly, there will be no collection of debts, they will be very careful not to suffer any to be created at their expense. Thus, in the State of New-York, that citizen who should be in favor of the proposed equalization of property, and its equal transmission to posterity, would be desirous to retain, for the purpose of throwing it into the General Fund, all that an honest trade would make him master of ; and he would be as little disposed as any one to credit, where he could not recover it : and he, on the other hand, who was opposed to it, would be quite as adverse to giving credit at such a time, as *now* he is to one who cannot pay him. But even if he were to credit a foreigner, and if, in anticipation of such an event as that of a general division of property, he should remove from the State, and make himself a citizen or subject of some other State or nation, such removal could not be hindered ; but it is very doubtful, if previous to his removing from the State, but subsequent to a very general belief that the supposed abolition and renunciation of debts, by his native or adopted State, would soon take place ; I say it is very doubtful, whether the State of New-Jersey, for example, would allow him to recover of one of her citizens any thing which he might have sold on a credit to him, at a time when he, the creditor, was a citizen of the State of New-York.

The same reluctance would be felt not only by the citizens of New-Jersey, but of all other States or nations who should trade with us, to give credit under an expectation of such an event, as would deprive them of the means of

collecting it. There would, therefore, be no debts on either hand ; and no injustice could be done by any one, or to any one. If, indeed, credit were given to any one, each would give it to persons of his own State or nation ; or to each other. Thus, if a merchant of New-York bought a cargo of cotton, and took it with him to London or Liverpool, with an intention to buy goods, he might not be able to dispose of his cotton to those of whom he might wish to make purchases, nor to any one else for cash ; but these latter would nevertheless sell him the goods in question ; and, in payment thereof, instead of the actual purchaser of their goods, accept as their debtor, their own countryman, who purchased the cotton, and who had not the means of present payment.

But if, after all, it should be contended, that there would still be some credit given, and taken, on both sides, notwithstanding ; both because men are indiscreet, and because they cannot, all, in an equal degree, judge of the probability of approaching revolutions, such, in effect, as this would be, though brought about entirely by the force of public suffrage ; yet still the agitations, and discussions, which could not fail to show themselves in the public mind, on such an occasion, would be in the nature of a notice to beware, and to keep himself harmless : as he has always the power to do, who has property to dispose of. If after all this notice he suffered himself to be caught, it would be his own fault. Besides, this is a state of things, as observed before, which would make each of the two trading parties equally cautious ; their general course of trade would be, to carry with them the means of payment : and if any little balances, through indiscretion, remained unadjusted, it is altogether probable, that between two nations, the amount of credits given to each, by each, would be as nearly equal as may be. On this supposition, then,

that these inconsiderable balances were equal, all that the government has to do, which does not come into the system of abolishing and renouncing debts, in order to regulate this matter among themselves, is, to take the debts due from their citizens or subjects, to the citizens of the renouncing government ; and give them to their own citizens or subjects, who have been so injudicious as to give credit to the citizens of a government, who, they had every reason to believe, would soon adopt a measure which would prevent them from collecting it.

These remarks, it will be said, apply only to such transactions as may be supposed to take place, after the anticipated change in our State Government, begins to manifest indications of being finally adopted ; and that it does not apply to debts already contracted. These, it may be observed, in reply, are either due, or coming due, long before such an event can have *time* to take place at all ; so that there will be an ample opportunity to make collections of debts already contracted ; or to fail of doing so, through the insolvency of the debtors. To propose, therefore, the abolition and renunciation of all debts, as between citizen and citizen, and between citizen and foreigner, can produce injury or injustice to no one ; inasmuch as if it shall be considered altogether idle and visionary ; it will receive notice from no one, and will therefore be a nullity ; and inasmuch as on the other hand, if it appears to be a necessary step for two millions of people to take, in order to obtain their rights and pursue their happiness ; then that course of trade will be adopted, by which there will be neither debtor or creditor, in either nation as regards the other.

Besides, this question presents itself under another aspect. That a government, *as such*, which has contracted, in good faith, a debt on its own account, should ob-

serve the same good faith in its discharge, there seems but little cause, in general, to doubt. But how far is the same obligation, in point of morals, for *contract*, it will not be pretended there is any, to assist a foreigner who credits a citizen, to collect his debts? It is not even to be said, that this same government can be called upon to lend the aid of its arm in collecting debts, existing between citizen and citizen. If government shall do so at all, it is from its own good will and pleasure; and from the opinion it shall entertain that the public good will be promoted by it. As a matter of good policy even, it has been doubted by many men of the soundest practical sense, whether such interference on the part of government, between debtor and creditor, is advisable. But, however men may differ on this point, it will not be admitted, for a moment, that the citizen or subject of a *foreign* government, has any claim on the government of this State, for example, for its aid in collecting a debt, which a citizen of this State may have contracted with the former.

It will be said, that the state of things which existed at the time when the debt was contracted, ought not to be varied between the parties, until the transaction is settled. But to what would not *this* principle lead? The time has been, in some countries, when not only the body of the debtor, but those of *his whole family, and their posterity*, were sold for ever as slaves, if a debt were not paid. Is it to be said, then, if a government or people should become sensible of the wickedness, injustice, and enormity of a practice like this; that a creditor, of a few dollars, it may be, should rise up and say; that until he was paid, it should not be abolished? To allow such creditor to have any weight, would be to adopt a principle, which would place the power of the government entirely out of its own hands, into that of the creditor's. It would be, to *de-*

stroy its power, and to erect on its ruins a fabric, other than that which the people of all countries have ever contemplated in erecting governments for their common benefit. It would preclude the possibility of government correcting its mistakes, or renouncing barbarous principles of legislation, which, from causes out of its power at the time to avoid, it was compelled to adopt.

It is apparent, therefore, that a State may, *at any moment*, that it pleases, suspend the operation of all laws, within its own limits for the collection of debts, however, and with whomsoever contracted ; and more especially so, when it practices the corresponding justice of renouncing all debts to its own citizens by debtors abroad, and provides punishment also for any of its citizens who shall be guilty of receiving debts so renounced, if even a foreign State were to be found that would allow it. And this is more particularly a measure of justice to all, inasmuch as it will be a transaction that cannot be hid from any one. Thus, if in this State, we are ever to have a general division of property, with a provision that it is to descend to posterity in manner much the same as is pointed out in this work, there must be some one to propose it : the way in which this is to be done is by printing : and it may be this Work or another. If it finds readers who think its principles are sound and practicable, it is evident that the writer is not alone in his thoughts ; others will be induced to coincide, as soon as they have read, examined and reflected : the numbers of those whose interests, rights, and happiness, the work demands and defends, will increase ; they will soon be sufficient to elect members to the Legislature, to fulfil their wishes, by ordering, in the manner pointed out, in the present Constitution, the assemblage of a new State Convention ; and all this cannot be done, without exciting, the daily prints as well as others, to take

deep interest in what is going on, and thus to make known, not only to our own citizens, but to all the world, especially such as have any interest in knowing any thing about our affairs ; the revolution which is about to take place ; and which is not to be accomplished, without a renunciation and abolition of all debts as has been proposed. The whole world, therefore, *will have notice ; they will be warned*, not to trust their property to our citizens ; and, if after such notice, they do give credit, they will have no cause to complain of any one but themselves, if they suffer injury thereby.

But even if it were not possible to equalize property among us in the way I recommend, without committing what apparently seems to be *the injustice* of denying payment to the foreign creditors of our citizens ; still such denial of payment would weigh but as a feather in the scale. For, in this as in all other changes or revolutions, it is allowable, if it be unavoidable, to perpetrate some wrong, in order to achieve much good. Thus if injustice were done to the people of another State or nation amounting, as we may say, to 5—and justice and right were accorded to our own citizens, amounting to 100 ; this excess of that which is good, over that which is evil, would justify the measure. In addition to this it may be observed—that if the principles of the rights of property contained in this work are true ; they are true in one nation as well as in another ; and then it will follow that a foreign creditor, especially of vast possessions, will only be divested of property, which is not truly his own, if he should lose much the greater portion of it, (due as it may be from one of our own citizens) by the renunciation of debts in question. And if he were made entirely destitute ; it would be evident indeed that he was made so, (conjointly with his having trusted his property to a foreign debtor) by the

abolition of all debts by the government of a foreign State ; but it would be equally evident also, that himself and his fellow-citizens or subjects have the same power that we or any other people have, to give to each what belongs to him, by equalizing all property among themselves. If they do not do it, and thus bring home equal justice to every man's door, it is their own fault ; and they cannot, with any propriety, blame a foreign government for it, who are only seeking to make the enjoyment of rights of all kinds equal among their own citizens, and have no wish to injure others.

Nor is there so little of regard in all this proceeding of the abolition of all debts, to the just rights even of the foreigner, as, at first thought he may imagine. For what will be the true character of all the discussion, which this or any other similar work may excite, if it shall excite any ? Will it not be in the nature of an inquiry into the rights of property ? Will it not be a tribunal, small and of few members at first, but constantly increasing, (if there be justice to all men in the principles I advocate) *investigating the title*, by which any and every man holds in possession for his own exclusive use, that which he calls his own ? And when the entire community of the citizens of this State shall all have taken a share of duty in these investigations ; what else will it be, but a great judicial tribunal, of all our citizens, sitting in judgment over, and deciding for themselves in their own primary capacity, upon the right to property, which each man holds or pretends to hold ? And if such a great tribunal were seen, as it must be, exercising its talents and its labors, to the ascertainment of how much property belongs to each ; how much one has *more* than belongs to him ; how much another has *less* : and preparing to give the requisite orders ; would not the very *existence* of such a tribunal, so employed, be

a warning of the most emphatic kind, to all foreigners, and strangers? Would it not say in substance, to them :
 “ We are in a state of uncertainty ; we know not exactly,
 “ how much of each man’s property, as himself terms it,
 “ is his own ; we cannot tell whether it be his, or how
 “ much of it be his, so that he could in strict justice, con-
 “ tract debts upon it. It is better, therefore, if you deal at
 “ all with him, to give and receive equivalents in all your
 “ transactions. Let nothing be done on time ; for the re-
 “ sult may be, that what now seems to be his, will be
 “ adjudged to another, or to many others ; in this latter
 “ case you might lose much. It is in kindness to you,
 “ therefore, that we say ; trust nothing to any of us, till we
 “ have settled our own affairs among ourselves ; and then
 “ all parties will know better how to act for themselves,
 “ than they do now.”

Nor is a notice, a warning of a similar kind, though to a smaller extent, wanting among us now. Every day our Courts are employed in investigating the rights of property, as they now understand them. And every day does it happen that the right is adjudged to be in the person of him who is not the holder. How often then does it occur, that the holder or possessor of property, *thinking* that the right of such property, is in him, contracts debts with some creditor, often to large amounts, on the mere *belief* alone, as well by the creditor as by himself, of the existence of such right in him, which he would not have been able to have contracted, but for having such property in possession? What then results from the adjudication of the tribunal in question before us? Why that the creditor loses all ; for although the debtor may have received an ample equivalent for the amount of his supposed title to possession, he is nevertheless unable to restore it ; inasmuch as he has *imagined* himself to be worth much, and *has lived*

accordingly ; though the event proves him to have been worth nothing. Nor does it make any difference where the creditor has his residence. If an English Banker, under an impression that the title to his vast estates, of Henry Rutgers, of this city, was not to be disputed, should lend him on a long credit, a large amount of money ; and if previous to the expiration of this credit, our courts should have decided that the title was not in him, but in another ; where would be the resource of such creditor for payment ? The estates would be beyond his reach ; and little or nothing of the avails of the loan would be left ; inasmuch as the borrower, imagining that his possessions would justify him in so doing, had indulged in enjoyments freely ; and enabled others to do so, too, on his bounty. It appears, then, that even now, all creditors, foreign as well as domestic, are subject to have their claims for payment, rendered wholly abortive, by investigations into the rights of property, by our tribunals ; and this, too, *without having that friendly public warning given them*, which the case before us supposes. It is evident, therefore, that the course I propose to pursue, is even more just to strangers, than the one now practised, inasmuch as he is treated with more kindness and humanity who is warned of the slumbering snake, than he who is suffered, even unintentionally, to disturb his repose and provoke his aggression.

Nor is any exception to be taken to the character I have attached to a whole people when they undertake to investigate, judicially, all their concerns as regards the rights of property. It is quite as competent to them ; they have just as good a right ; to perform for themselves, in their own primary character, all that they might demand of their judges ; (if they thought proper to appoint them,) as they have to act in their character as legislators, in a similar manner, without the use or intervention of agents

or legislatures. So also, in their own original and elementary character, they have a right to fix upon the *principles* which shall guide and govern them in the decisions they shall ultimately make ; just as now, if they were about to appoint judges to act in their stead, which certainly they have the right to do, they would have the power to say, by what rules or principles their decisions should be governed. The judges themselves, and the principles of law which are to control them, are of right and of necessity, the creation of that power which has made both ; and any such judge having been created, has no power to make his own principles, unless the power that created him gives its consent, in some way or other. And further, if a judge have thus, by consent, made principles, which were agreeable to him ; but are not agreeable to the power in whose name he acts ; and who gave him his official being ; such power can prescribe other principles, for his government, and he must obey them. It is not to be said, that a whole community, acting in their original capacity, are not to be considered as judges. I quarrel not about names ; for although it may be granted that judges are a less number, in the usual acceptation of the word, than the community consist of, for whom they act ; yet *all* are essentially so, too, in the case before us : though it is not common to witness their actual existence. If any one doubt this, let him imagine that an entire community has appointed every man in it *save one*, to be judges ; then would it be a part acting for the whole ; and so great a part as to make no appreciable difference, between such part and the whole. It is the fact of judging that constitutes a man a judge ; and it is the same fact of judging also, that converts a community into judges likewise.

If then it is not to be disputed, that *the principles* by which the judges shall make up their opinions, as well as

the judges themselves, are appointed, of right, by the Supreme Power residing in the whole community ; so also is it not to be disputed, that such community or the successors of such community, have the right to *alter* such principles, or to substitute them with entire new ones, whenever they shall be of opinion, that these will be better adapted to do justice to each and every individual. There can be no obligation, of any force on any one, not to correct mistakes ; not to make that better which is capable of it ; not to make that perfect, which we have the power in our hands to make so. To think otherwise ; to act otherwise ; would be to perpetuate error as a duty ; and to bar the road to all future improvement.

It is evident, then, that the right exists in any and every community to *fix principles* for their judges : the same right also exists in them to *adopt* the same principles themselves ; if they should think proper to dispense with judges and *act for themselves*. In the first case, the community, would order its judges to conform its decrees to *certain principles* ; and this would be a Legislative function, whether it were performed by the people, in their primary character ; or whether they elected agents and thus constituted a Legislature with power to do so. In the second case, the whole people would blend both the Legislative and the Judicial character in one ; and unite, both the instructor and the instructed, the commander and the commanded, in the same political person : and would thus fulfil more certainly, and unequivocally its intentions, than it could do, by any agency whatever.

Nor is it to be objected that the act of such community is not legal ; is not binding ; is not to be considered efficacious, unless done in some specific *form, time, or manner*. Thus if, for example, a majority of this community—in whom all right and power belongs, by the perusal of this

work, at their firesides or elewhere, or by any other means should become convinced that the present system of the rights of property, is actually hostile to, and destructive of, their true rights and interests, they would have the right, so soon as they had ascertained their number in such a way as to assure the minority and themselves, that they *were* such a majority, to order things otherwise, as to them should seem good, without delay. For it is no more to be required of a majority to abstain from taking possession of their rights, when they shall see where they are, and how they can command them,—than it is for a man meeting with his stolen or lost property, to refrain from taking it into his possession. In this State, however, from the circumstances that all, or very nearly all our citizens, who are of the age of maturity, have the right of suffrage, without any diminution; these, therefore, as soon as they see how to exercise it have the power to confer on themselves, the only right of which they have never been in possession—that is, the right of property. In other States and nations where they have not such full right, or perhaps have it not at all, there is a struggle to be made for two things at a time; that is, for suffrage and for property. But when men, in sufficient number, see that they have a right to the latter, they will not be long without both. Let me see mankind understand, each that his right to property is equal to that of any other man's; and I engage to say, that the present state of things cannot exist one hour after they *know* that they have a majority of the same opinion.

But the greatest obstacle which exists to the plan proposed, to claim all lands within the State, to whomsoever they may belong; and to renounce all lands out of the State, whoever of our citizens may own them, arises from our connection with the Union as a member of the Confederacy. If the State stood alone, there would be no diffi-

culty. For the uniform practice of most governments, is, to refuse altogether, to allow any man to hold land who is not a citizen or subject. And as regards our own State, when we do not speak of our fellow citizens of the other States of the Union ; we may say that even now there are very few exceptions indeed ; and these arise from special permission granted by our Legislatures. I have no means near me of ascertaining the number of these exceptions ; but I have no doubt that nearly, and perhaps quite every one of them, would cease to be such by the operation of that part of Article 2. which orders every alien to be considered as a citizen, who shall have been resident for five years next previous to the time when the supposed General Division shall have been ordered. If he should foresee that such a Division was likely to take place, and should be averse to it ; so much so, as to be induced to leave the State, he could, no doubt, if he had them, dispose of his lands at some price or other ; but another citizen would not be more desirous to purchase them than he was to retain them, unless, indeed, he approved of the proposed system ; and then it would be of little use for him to purchase. The alien owner would then find that it would be probably quite as well for him to acquiesce and become a citizen. If, indeed, he had much *personal* property, and this he should conclude it would be much better for him to depart with, and sacrifice, if it must be, his real property, he could even do so ; and there would be nothing to hinder him, although in strict matter of right and justice, there ought to be a power capable of restraining him.

I said that the uniform practice of most governments is to refuse to allow lands to be held by any but citizens. If an alien wishes to hold land, he has only to *become* a citizen. This removes all difficulty with him or the State. In the discussion on the subject of the Salt Springs of this

State, it is shown, that a man of large possessions ; in other words, a man of wealth, cannot be admitted to come into this State, and become a citizen, without dispossessing himself of all he has, over an amount equal to the patrimony for the time being ; unless, indeed, he comes from another State, where the equal rights of all to property are acknowledged, as it is proposed they shall be here ; and where, also, he has, on arriving at the age of maturity, received his patrimony. It is shown to be manifestly dangerous to the rights of the citizens of this State, to allow of the influx of men who have acquired immense sums by the operation of unequal laws, in countries which tolerate their existence. It will be productive of quite evil enough here, to allow a man, who shall become rich, (perhaps by transactions in business with men who have amassed great sums, from the impure sources mentioned ;) and who have yet had only their equal portion to commence life with. But this it is better to tolerate, than to tolerate the greater evil of interfering with the acquisitions and plans of any man while living.

Yet, notwithstanding all these apparent difficulties with which the subject is environed, they vanish when we ask a single question. Will the State of New-Jersey, for example, compel every citizen of New-York, holding real estate there, to surrender the same, or the value of it to the authority of this State, in order that it may inquire, who, among all our citizens, is or are the rightful owner or owners of it ? If they will, there can be no difficulty. Even-handed justice will be done. If New-Jersey, and so of any other State, will hand over to us all such property, within their limits, belonging to her citizens : we will hand over to her all such property, within our limits, belonging to her citizens, subject to such disposition as that State may choose to make of it.

Let it not be forgotten, that the true object of the revolution in this State, which it is proposed to bring about, is two-fold. First, to *inquire* as the State, or in lieu thereof, its citizens, have an unquestionable right to do, into the *titles*, by which every man holds, or pretends to hold, what he calls his property; and second, if he hold too much, and another too little, to order the excess to be given in such a manner as to supply the deficiency. But, it would be of no use, whatever, to make *inquiry* into these titles, if, after having decided adverse to their *validity*, we could not possess ourselves of the property held under them. It is, therefore, essentially necessary that the property be secured first, and inquiry be had afterwards. How, then, will the State of New-Jersey proceed to obtain for us so much real estate as belongs to our citizens, within her limits, on the supposition, that the people of this State have made up their minds, to make an equal division of property among them? May not the citizen of New-York, *seeing* such an event approaching, if he own property in New-Jersey, convey it away, for example, to a citizen of the State in which this property is found? If he does so, may he not either receive payment in money or bond? If in money, an article of easy concealment, may it not, in many cases, oaths to the contrary notwithstanding, be buried in the ground, and omitted in his inventory? If it be a bond, it is a debt; and as such, may be converted into money, and thus withheld from the State, when they shall afterwards demand it. So may he receive in payment for his property, or exchange for his bond, *personal* effects, such as shall be of easy concealment; and thus would he possess the means of a future evasion of the commands of the State. I say *future*, because no demand for the property, as yet, is supposed to have been made. Again, might he not deed it away, by way of gift? Yet, if the

people of this State, after due and deliberate investigation, should declare that it was not his to have given away, where would be our remedy ? Could the State of New-Jersey annul the gift ? Certainly not, under her present code of laws.

Again, may not such property, in anticipation of an event, which many rich men will deprecate as an evil of the greatest magnitude, be conveyed away, through collusive judgments ? Will not counterfeit suits be brought into court, by unreal plaintiffs against unreal defendants, for the purpose of suffering, or rather causing conveyances of property to be made through the medium of false executions thus brought to bear against it ? How is the State of New-Jersey to be able to prevent these frauds ? Yet, if they be not prevented, it is certain that the property of our citizens in that State, would never come into the possession of the people of this State, to receive such investigation into the title by which the present holder claims it, as they have the undoubted right to make.

But half the difficulty is not told yet. For if the State of New-York should undertake to inquire into the right of possession which each of its own citizens has, to what he may *happen* to possess ; it would be doing neither more nor less than what a whole people have, at any time, a right to do. So also, if the State of New-Jersey should happen to think that there was no occasion, within her limits, to make similar inquiry ; if her people should be satisfied that property was altogether in the hands of the rightful owners, it would be competent also for that State to remain as she now is.

But, in such an event, what might not happen ? Not only would it be impossible for the people of this State to come into the possession of what now actually belongs, in that State, to our citizens ; *but the entire soil of this whole State might pass into the hands of the citizens of other*

States! Thus Lorillard might sell all his vast possessions to a citizen of *New-Jersey*; and, if this State is not to touch, without full indemnity, nor even perhaps with it, any property belonging to a citizen of another State, such a simple procedure would take it out of our hands. Nay, even not so much as this would be requisite; for the gentleman named would only have to remove his residence over to Jersey City, or to Hoboken; and there *become* a citizen of that State. Van Rensselaer would only have to cross the line of Massachusetts into Berkshire county, or to choose his residence and citizenship wherever else he pleased, in any State but this; and so of any other person. The State of New-Jersey, or any other State whatever, could not prevent either these transfers of title, residence, or citizenship; for, inasmuch as by the first clause, in the second section, of the Fourth Article of the Constitution of the United States, "The citizens of *each* State shall be entitled to *all* the privileges and immunities of citizens in the several States," it is placed out of their power, if they were even desirous of doing so, to prevent so alarming an occurrence, *as the transfer of the soil of an entire State out of the possession of its inhabitants.*

There is no question to be made, that the people of each State, as a sovereign State, have full jurisdiction over their own concerns; that, among others, the rights of property held by its own citizens, are, with them legitimate and proper subjects of inquiry; and consequent upon such inquiry, they have the right to make such *disposition* of it, as in *their* opinion, true justice demands and requires: and yet, if the present holders of property should apprehend that the inquiry, *which they will not have the power* to hinder from being made, should result in showing that they had no just title to any, but a very *small* portion of what they actually hold, and that the excess would be taken

from them ; they would have nothing to do ; but, before the inquiry is terminated, to sell their property to a citizen of another State ; or to transfer their citizenship thither, to evade as effectually the full and legitimate power of the State, as if it were written on the pages of the Constitution of the United States : “ No State shall manage its own internal concerns.” Such, certainly, was never intended to be the meaning of that instrument. For if such had been the case, the present State Government would not have existed. They would have been abolished, and superseded by one General Government, providing for the legislative wants of the whole nation. And in such an event, the proposition which I now make to the people of this State, through the medium of this Work, would have been presented to the people of this whole Union, for their consideration and adoption.

Thus, if it shall appear that this State, for example, is under a necessity to declare, in substance, *that all the property found within its limits, is the property of the State*, it is because, unless it shall do so, not only the property now belonging to our citizens out of the State, *will be lost to it* ; but likewise all the property within it, would pass into the hands of persons who live without our limits ; and over whom, of course, we could have and exercise no control. To undertake, therefore, to investigate the rights of property, in this State, under such circumstances, with an intention to divide it equally, if it should be determined that such is the rule, which secures to every man his just right, would be the idle task of folly ; for it would only be to declare that an equal division should be made of all property, *when it would appear that there would be none remaining to divide*.

Men who understand their rights, are not, therefore, to be deluded into any frustration of their efforts to possess

them, by pursuing a course so inefficient, as that of attempting, under the circumstances before us, to obtain them, and, *at the same time*, to give to citizens of other States, the possession or value therefor, of that property which they now hold within our limits.

But it will be asked, since there are already citizens, in other States, who own property in this, may it not be permitted to them to receive their equal share among us, as citizens, whenever such division shall take place; and to give them such share in consideration of the property they now hold? Let us look at this proposition. Let us look, indeed, at every step we take, when we go to arrest property; for it is such a Protean being, that it is no easy thing to get it within our grasp. And landed property, since it is invested, by the qualities which a piece of parchment confers, with that transmissible character, which belongs, more naturally to moveable property, is as easy to be kept out of our possession, as a guinea, which may be buried in the earth, where none can find it but he who placed it there.

Thus, then, suppose it to be announced, that the plan of accomplishing the proposed division, is such that citizens of other States, owning land in this, should, when the division is consummated, be considered as entitled to their equal share with our citizens, of the property of the State. What, then, would not happen? The moment there was any thing like, what would by many be considered, a *dangerous* probability, of the occurrence of such an event, would not very large estates, here, be sold, in very small portions, for *large* purchasers, could not then be expected to be found, (otherwise, large owners would not wish to sell,) to numerous citizens, of other States, for the double purpose, of giving them patrimonies in our soil and other property on the one hand; and of enabling our property

holders, especially those on a large scale, to make their investments in other States. Thus Lorrillard, or Rutgers could sell out their houses and other property to multitudes of purchasers ; the proceeds might be laid out in Philadelphia, Boston, or elsewhere ; and they thus retain possession of their entire estates. These purchasers would come in and share with us, and as many of them might not be expected to have their present notions of property eradicated ; they would very naturally look upon such a proceeding as affording a fine speculation ; more especially as, in the General Division which I am supposing to take place, these persons as well as any and every other would be enabled to bid for and retain their share, wholly in personal property ; and with this, after the division was completed, *could retire with it from the State.* The result of such an operation would be, not indeed to transfer our real property out of the State ; for, luckily, it cannot be carried away ; but a very great portion, if not the whole, of the personal ; and, that, for the purpose of enabling the present possessors, to transfer their possessions to other States ; and thus to take it out of the hands of those, who alone have the right to say what disposition shall be made of it. No one need say, how calamitous it would be, for the people of this State, by such, or any such operation, to see themselves stripped of every thing in the shape of personal property. It would be little less than to restore the soil again to the condition of a wilderness.

It would not meet the objections that rise up against such a proposition to say, that every foreign citizen shall have purchased to an amount equal to the dividend, which he shall receive, even if such a provision itself were practicable. For as the amount of his purchase is paid into the hands, not of the community, but of him who is selling his property in order to evade the anticipated decree of

this community, it therefore avails the receiver of the amount so given by the purchaser, to lay it out again, in other States ; where it would be out of our control. If it is to be supposed that such receiver would be honest enough to give up to the community, the avails of the sale, it is also to be supposed that he would be honest enough not to sell his property for the purpose of disobeying the commands of the public authority, even by way of anticipation. But it is in favor of the dishonest, that such a provision would operate ; and to the prejudice of the community ; and, therefore, it is not to be allowed on any account whatever.

And here perhaps it is as proper, as it may be elsewhere, to observe, that, if one thing only could be supposed to exist, it would be better at once to admit, of the immediate influx into our State, of great numbers of poor men from other States and nations ; and also to a full participation of patrimonies, with us, in the first instance. The objection to such a practice is chiefly in this. Their notions would be likely to be what they now are, with respect to property : they would imagine it to be the best course for them to obtain what would in such case be coming to them ; this, they would be sure to take, in moveable property, and when they had so obtained it, would leave the State, and go to others, where they might enjoy it, upon principles such as have resulted in making them the oppressed portion of the human race, which they now are. Strange as such a procedure would be, it is nevertheless not more so, than it is now, to see, much the greater part of all nations, sitting quietly down, in their own degradation, misery, and wretchedness, and never once thinking for themselves, that *their* right to property is as good, is as genuine, is as worthy of reclaiming or defending by argument or by the sword, as any right, for the acqui-

tion, protection, and enjoyment of which, any man, or any nation of men, have ever shed blood !

If, however, on the contrary, they *could* come with enlightened views of their own happiness ; and of that of their posterity ; there would be no limit to their admission in very considerable numbers, but the quantity of personal property, which will be found in the State, whenever a General Division shall take place. There is of course a limit to the subdivision of this ; beyond which if we go, at the first setting out, of the new system, the effect produced, would be, to diminish the quantity of the results of our subsequent industry. The *soil*, however, of the State, is ample enough. The late De Witt Clinton, if I recollect aright, estimated it as being capable, even under present modes of employing industry, talents and resources, where every thing that is good, great, generous or useful, is paralytic, with the oppressions, which inordinate wealth inflicts upon it, of supporting fourteen millions of people. How happy for the State, would it not be, if we could rapidly approach what to him appeared as a maximum, but which undoubtedly is very far from being such.

As the ideas of men now are, and as they may be expected to be, in nations, where the principles of this work, have not, and shall not have been made known, whenever the time shall arrive that this or any other State is about to adopt the system of government marked out in it, such State will find itself under the necessity of fixing a time, after which no immigrant citizen or foreigner can be entitled to receive a patrimony. The citizens will be allowed *to come*, without restriction ; but inasmuch as it cannot be known whether they have come for the purpose, of identifying themselves with the future destinies of the State ; or of carrying away a patrimony ; such patrimony cannot

be given them. If they remain, however, their *children* will be citizens and be entitled accordingly.

The proposition, therefore, recurs ; if another State can and will give up to our governing authority all the property it has within its limits, belonging to our citizens ; this State will also do the same as regards property in its possession, belonging to *their* citizens. If she cannot do it ; is it to be expected, that we must forbear to exercise those rights of sovereignty over our own affairs, which inherently belong to us, as much as theirs belong to them, merely because we cannot separate whatever truly belongs to them, from what truly belongs to us ; and because we cannot obtain from them what they also have of ours in their possession ? Must the rights of more than a million and a half of human beings belonging to this State, go unattended to ; *must they be withheld from them*, because a most contemptible fraction of this number, have, by the sanction which this State gave to the United States Constitution, some forty years ago, been allowed to own landed property in this State ? Did the framers of such a Constitution, contemplate such a construction of it, that no State government would be allowed to make such laws regarding property, as should suit themselves ? Did it mean to say, that a State should not pass a law, for example, that no citizen should own over 500 acres of land, if it happened that previous to the passage of such a law, some citizen of another State, should accidentally happen to own, in this, *more* than that quantity ?

If not, then would such State have the right to pass such law ; and the native or resident citizen, would be obliged to make sale of the overplus. So also, if the State, instead of fixing at 500 acres, as did the Roman Agrarian Law ; should fix the quantity of land at such a number of acres, that all would have an equal share, would it not be

competent for the State to do so ? All that the Constitution of the United States requires, is that the citizens of another State may enjoy the *same* rights as native or resident citizens. It may be contended, perhaps, that on this principle, the citizen of another State, while his property went into the General Division, should also have his patrimony ; and that against this, I have made strong opposition. But I will cease this opposition, whenever other States shall do the same by our citizens. Besides, in answer to this ; I may moreover make *two* replies ; *one* ; that no man has title to patrimony on the ground of putting property into the general division ; for this patrimony is not a thing to be purchased—but belongs to each and every citizen of a State, in virtue of his existence : and another is ; that this State also, *as a State*, has its rights in the other State ; that is to say, it has the right to have possession of that property of our citizens which is there, within their limits ; and which I have shown (under existing circumstances) cannot be commanded by the entire power of that State, even if it should desire it ; and for the simple reason, that it cannot *ascertain* where it is and in what it consists. If this could be ascertained, it could be given up ; and its amount would be known. But as it cannot be ascertained ; then it is but fair to presume, that it may be at least equal to that which we, in our own State, retain in satisfaction and lieu thereof.

But if the State of New-York, has rights, in relation for example, to the State of New-Jersey, they are at least equal to those which the State of New-Jersey has in relation to them ; so that, if this State may not retain, or lay claim to the disposal of real estate, within our limits, belonging to citizens of New-Jersey ; so may not the State of New-Jersey retain or keep possession of the similar property of our citizens, within her territory ; and if she

does so keep possession, whether from inability to do otherwise, or from whatever other cause it may be ; so also may we, in return, do the same. Nor would the Supreme Court of the United States, in such a case as this, be able to afford the *citizen* of New-Jersey any remedy, because it is not a case in which any violation of the laws of Congress is involved ; wherein the rights of such citizen could be investigated without any reference to the *State* of which he might be a member : but it would be that particular kind of case which may justly come before this Court, wherein the only question to be decided is, do the two States, New-York and New-Jersey, for example, in the exercise of their individual rights of state-sovereignty, act, and re-act equally upon each other. Thus, it would have to ascertain a simple fact ; does one State appropriate another's property, existing in the right of its citizens : and does the other *do more*? In the case before us, like is given for like, for aught that appears, or can be made to appear, to the contrary, and the decision of the Court could not fail to be, that under the circumstances, each party must be left to the full and undisputed exercise of its own sovereignty.

If further confirmation of the position assumed for the the Supreme Court were wanting, it may be found in this. That the Constitution of the United States is the result of a Convention of States, and not of the population of which they are composed. Thus, if New-York has been compelled to allow the citizens of New-Jersey to own lands within its limits at all, it has been in consequence of the compact made between the States by that convention, and afterwards sanctioned, not by a majority of the *people*, but by a majority of *the States*. If the State of New-Jersey has also been compelled to suffer a like ownership of lands within its own territories, by citizens of New-York, it has been

under the operation of a similar necessity. If now, with regard to either of these States, wholly within the sovereignty which belongs to it, a case arises, in which it is necessary for one of them, *to call home* the property of its citizens ; is it to be said, in behalf of the State which refuses or neglects to surrender it up, that it may have its full rights in the other State, in manner the same as if it had made the surrender ? The individual citizen, or citizens of such State, so refusing to surrender the property belonging to citizens of another State, could *they* come into Court, and claim that *their* rights, fractions as they are of the State to which they belong, should be held of more consideration than the whole adverse State itself ? A State, too, which was one of the parties, to the Great Compact of the Union ; whereas the individuals in question, are wholly unknown as such ? It is impossible. If such citizens are injured, it is their own State which has done it, by not giving up to a neighboring State, that property which such State has as good a right to demand, as their own State has to demand theirs.

Thus far have I argued the question of power existing in this State, or any other State, to take the method I have proposed, of bringing about a General Division of Property ; whenever they shall be convinced, that it belongs to to their rights, their interests, and their happiness, to do so ; in order that I might have the opportunity of showing, as well that it is consistent with our obligations of duty to the Union, as that it is impossible for it to be done in any other manner. I trust that both are established to the full satisfaction of the reader. I have chosen to defend the right of this State, to make such modification of its internal government as I am recommending, without any necessity to be felt on its part, to wait for, or consult other members of the Confederacy, before they should un-

dertake to build up the edifice of their own happiness. If then, such right is manifest, standing alone, and single-handed, as it were, in the cause, with all the relations by which she is connected with other States and the world ; how much more manifest would such right appear, if she might hope for co-operation from her sister States ? And yet it is not to be admitted for a moment, that if our connection with the Union interfered with our own internal arrangements, so as to prevent us from giving to our citizens, to each, what *we* think belongs to him ; it would be fully competent to us, to break off all such connection as was made by our ancestors ; these latter having no just power to bind us to sacrifice what to us shall appear to belong to our own rights and our own welfare.

Thus, if it has been found an impossibility in justice, or any thing like it, to ourselves, or to others, to accomplish our object, without, in the first place, renouncing all our external property, so to call it, and without claiming all within our borders ; to renounce all debts ; and to refuse all credits : how do the difficulties vanish, when any two or more States combine, at one and the same time, to accomplish the same result ? The rights of man are the same every where ; the same for the people of New-Jersey as for the people of New-York. If, then, it should happen that *they* should awake to such a sense of their rights as to order the creation of such a state of things, as I ardently wish to see established every where ; at the same time, that this State should ; and both should go on together, each to reform its own social system ; it would lighten much the labors of both. For, then, *if it should be desired*, if it should be thought more consonant with the principles of justice, than otherwise it would be ; then might each State give up to the other the property of its own citizens ; for then, neither territory would be a land for

fraud, cunning, knavery, and perjury to flee to, as thieves fly to receptacles of stolen goods, or unworthy debtors to distant and unknown countries to avoid their creditors. For either of these cases apply with great force and energy to men, who, with vast possessions now, which they have once and *always* thought, perhaps, were their own, have, nevertheless, no honest title to it, more than the thief who has stolen his property, or the debtor who owes his creditor, and who runs away from him, so soon as he finds he is in pursuit of him. What better is the man, than a thief, who, thinking, perhaps, for a long course of time, that what he happens to possess, is truly his own ; yet nevertheless not his ; and yet strives to appropriate it to his own use, and detain it from the lawful owner, *after* he knows where and who he is ? Thus a man may, by inheritance, perhaps, obtain property from his ancestor ; and among it, without his knowledge, there may be a quantity of stolen property ; the owner may be made known to him ; and the fact of ownership be established. If he, *then*, keep it from the lawful owner, and appropriate it, or attempt to appropriate it, to his own use, does he not steal, or attempt to steal it, for the second time ? And ought he not to be punished as the first thief would have been, had he been apprehended ?

So when men in society awake to an understanding, or are *beginning* to awake to an understanding of their right to property ; if we shall see the possessors of it, flying in every direction, to escape the doom that is approaching, endeavoring, in every manner possible, to put it out of the power of the community, to repossess themselves of that wealth, whatever it is, which is the common property of all ; it will be what we have good reason to expect to see ; but how little different will such men appear to be from those vile malefactors who now daily march to

the gallows, for crimes of not half the enormity ? For many of the acts of such malefactors are but the acts of reprisal, which the present unjust system of appropriating and transferring property, has rendered it necessary, in their opinion, for the perpetrators to commit ; acts, which never would have been committed, but for the denial of the first and most important right which man possesses, that of his right to property.

When the period approaches, if it ever shall approach, for the realization of the views contained in this Work, every artifice will be resorted to, to defeat or delay them ; and one the most likely to occur, is, the proposition to adopt the system *in part*. But, as Thomas Paine has somewhere observed ; “ there is no such thing as half right and half wrong ;” and whoever *thinks* there is, when he awakes to a discovery of the real truth, will find that every half-right and half-wrong system, is a system which is wrong altogether. Thus, of what use would it be to say, that a General Division, throughout the State, of all the property it contains, should not be made ; but that the system herein proposed, of transmitting property to posterity, should be carried into operation ? Is it to be said that the poor have not been enslaved long enough yet ? Must Lorrillard retain possession of his five millions, in order that the poor, if he shall yet live fifteen years longer, may be compelled to add five millions more to it, for *his* use, instead of creating this wealth for themselves ? And if he be yet to live other fifteen years, must these same poor swell these ten millions to twenty millions, by the sweat of their brows, when all this increase of wealth is honestly their own, and ought never to be his ?

If a General Division is not to be made, such is the effect that is sure to follow. Besides, the evil will not terminate with his lifetime ; at least such will not be the fact gene-

tally. For, as property which is not money, may yet be converted into money ; so *will* it be ; and if a man, with the present erroneous views of his right to property, is not permitted, in his lifetime, to make a will, which will be valid after his death ; he may yet, although against the law of the land, and no doubt, would, (I speak generally,) secretly and clandestinely *give it away* to his favorites, children or others, in his lifetime. These, again, would continue to act with it, so as to increase it in a similar manner out of the labors of the poor ; and thus would the causes which now curse the earth with calamities be perpetuated, to an indefinite period of time. Whereas now, if we rip all up, and make a full and General Division, Lorillard, any more than any other man, would have nothing to spare, for the purpose of giving away ; none would need it, if he had ; and although he would seem to be very poor, indeed, compared to what he now is ; yet, he would be as near the alms-house himself, as any and every one of his fellow-citizens, but no nearer.

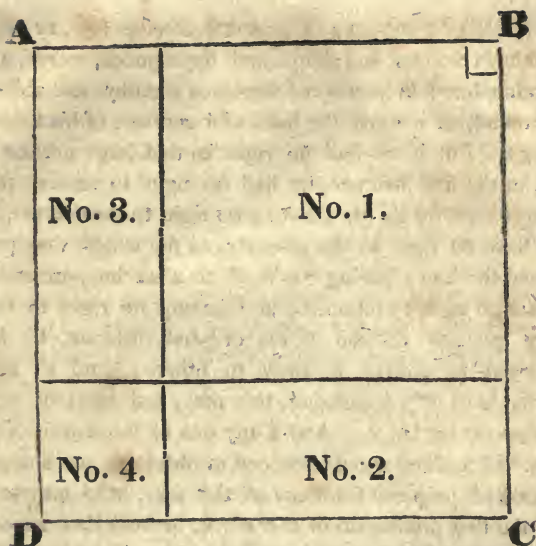
Nor is it improbable that holders of much smaller fortunes, although far above what will probably be the amount of the patrimony heretofore spoken of, would find it much more to their interest, than they at first thought may imagine, to insist upon the levelling of their Colossal neighbors. Every day furnishes evidence of the ease with which capitals of from one to five or ten millions, swallow up and appropriate to themselves, other capitals of thirty, fifty, or a hundred thousand : so that the very precarious tenure, by which their small fortunes are held, ought to be an admonition to those who hold them, to accept of a smaller amount, when it can be held by a tenure altogether secure. In the pecuniary world, it is much the same as it is in the vegetable ; large umbrageous trees overshadow those which are smaller, and prevent their growth. Independ-

ent, therefore, of every consideration of right, due to any and every fellow being around us, the possessors of smaller fortunes, have an undoubted interest in pulling down those which are larger.

There are those who do not look far enough into the nature of the reasons for this first and General Division of property, to refrain from saying, "that it seems unjust to take what they have acquired from those who began the world with nothing, and divide it among their fellow citizens ;" and to these it may be said, that it *seems so*, indeed. But this is all. There is no hardship, no injustice in the matter, whatever. The truth is, the whole world, and all that it contains, is a vast estate, and all mankind are the heirs. It has happened, no matter how, *it has happened*, that a few of the heirs have got all the property into their own hands. If now an heir, who, at one time, had none of this vast estate, succeeded in getting any portion of it, he must have obtained it from those who *had* it, and not from those who *had it not*. He obtained it, therefore, from those who had usurped it, both from himself and others. If afterwards, by any use which he could or did make of that which he obtained in the first instance he succeeded in greatly increasing it ; he in his turn has become an usurper of the rights of others, inasmuch as he retains from them what belongs to them ; and these others will not fail to call upon him to surrender. They will say to him, " We are heirs, in common with you, in this great estate. " We have been deprived, till this moment, by you and others, of our right : whereas, if we had had it, *we* also could have made money for ourselves as well as you. But we did not happen to stand in the same fortunate relation in which you did, to those, or any of them, who robbed us both, or who, at least, became possessed, of our birth-right ; and, therefore, we have remained poor and

“wretched, slaves to you and others, and dependent on
 “you and them for our very existence. Nevertheless, the
 “the estate is as much ours as it is yours, and your fel-
 “lows’; and, inasmuch as you have held it from us, you
 “must now restore it, with all the profit you have made
 “on it; (such is even the law of the land now in similar
 “cases,) and we will begin life *now*, as it ought to have
 “been begun at first.”

Perhaps a diagram will give force to these reflections,
 and tend to make more visible than can otherwise be done,
 the injustice of the title by which those who are rich pre-
 tend to hold what they call their own, and on the strength
 of which they undertake to resist all attempts to take it
 away. But the history of all countries, shows two import-
 ant facts; 1st. That the property of the globe, or portions
 thereof, has never been equally divided among all; and
 2dly. That it has not been transmitted equally to the suc-
 ceeding generations. Now either of these events having
 never happened, all title property, is vitiated and worth-
 less from the very beginning; and, therefore has no va-
 lidity or justice in it, down even to this very moment.
 Thus the accompanying square, A, B, C, D, may re-
 present the whole surface of the globe, and, for the con-
 venience of argument, we will imagine the quality of its
 soil, to be equal in value, in all its parts.



Allowing now, that there were, for example, ten thousand equal human beings, upon the surface of this square, previous to its being subdivided ; what enormous injustice, would not be perpetrated, if, by any means whatever, one man only, should take to himself the portion of territory marked “ No. 1 ;” another “ No. 2 ;” a third “ No. 3 ;” and a fourth “ No. 4 ;” the remainder having nothing. If the whole territory were divided equally and properly among them ; he who now is supposed to own “ No. 1” would have, for example, the small square near B, and no more, for his own equal portion ; whereas, by possessing himself of the whole of the large square marked “ No. 1” he has, actually, much, very much more than belongs to him. Those who have none are obliged to hire of him. They pay him for the use of that very soil, which does *not* belong to him, and which *does* belong to themselves.

With what he receives in payment, for this hire, or rent, he builds houses and ships, and buys goods, wares, and merchandize ; in one word becomes wealthy, and able to command, as it were, the lives and services of his fellow-beings. But if he had no right to that large portion of soil, in the first instance, he had no right to receive rent from others, for its use ; having no right to these rents, he can have no right to the property, to the wealth they purchased for him ; having no right to what he purchased, he has no right to retain it ; and, having no right to that large quantity of soil in the original instance, he has no right to convey it away to others ; and if such others, have it in possession, *they* may, and must of right be dispossessed of it. And if any one of those who originally had nothing should succeed in obtaining an unequal portion of property from any of the four, who may have had the first possession of the earth, or from their successors, neither has *he* any better title, than if he had been one of the number among the first monopolists. For although he may contend, that he has exercised unwearied industry to acquire it, and therefore, has obtained a just title, still it is to be said of him, that the wealth which was offered to his acquisition, and which *stimulated* that unwearied industry, was not his who offered it ; but belonged to others. It would be as unjust to allow such person to hold title under such circumstances, as it would under the present order of things, to allow a man to receive or retain, as a reward for his industry, stolen property, the possessions of a pirate, and what not, the *offer* of which had stimulated *him* also to a high degree of activity. But in addition to this original unequal appropriation of property, its transmission to posterity has also ever been unequal,

and this doubly annihilates all title to property as now held among mankind.*

Nor let this rich possessor complain, that under the hope and receipt of rich rewards for his labors, he has labored *more* than sufficient to sustain his own existence ; and, therefore, he ought to retain *more* than his equal share : so also have the great mass of those who are now and ever have been poor, labored, *at least*, to the same

* As an instance of the original distribution of the soil of the State of New-York, having been so enormously unjust and unequal in principle as my diagram, and its accompanying remarks supposes, I offer, amidst much more of a similar character which I might offer, the following extracts to the consideration of the reader, as they appear in Mrs. Grant's "Memoirs of an American Lady," &c. p. 6.

"After the necessary precaution of erecting a small stock-aded fort for security, a church was built in the centre of the intended town, [Albany], which served in different respects as a kind of land-mark. A gentleman of the name of Renssellaer was considered as in a manner lord paramount of this city. A pre-eminence which his successor still enjoys both with regard to the town and the lands adjacent. The original proprietor, having obtained from the High and Mighty States [of Holland] a grant of lands, which, beginning at the church, *extended twelve miles in every direction*, forming a manor of twenty-four Dutch miles in length, the same in breadth, including lands *not only of the very best quality* of any in the province, *but the most happily situated both for the purpose of commerce and agriculture.*" A tract equal to more than three hundred thousand acres, (and more than one hundredth part of the whole State,) to which, if there be any truth in the principles of this work, the grantee had, and of course the present possessor has, (even if derivation from his ancestor were good for any thing,) no more of just title than one man has to the right arm of another !

extent even without the solace of such reward ; and these, surely, on the same principle, ought to have more also. But if both of these positions be true, then would the rich ; those who have never labored at all, be called upon to take less ; nay, to be deprived even of possessions altogether. But would this be right ? Is it fair to charge all the evils of the past upon the few ; when the many, if they had only *understood* their rights, and how to have secured them, could have claimed them at any moment ; and no one could have resisted with any effect ? The fact is, both have wandered in errors, the one in supposing their rights to be greater than they actually were ; and the other in believing them less. But evils which are done already cannot be undone. If they could, we could go to the graves of the rich, of past ages, and awake them ; we could awake also the poor who slumber near them ; and say to the one, “ the enjoyments, in which during your “ life-times you rioted, were afforded to you at the ex- “ pense of the toils of these your brethren, who spent their “ lives in labour for you ; now in return, therefore, per- “ form ye also, for them, an equal amount of toil, and let “ them enjoy it at your expense. Then will justice be re- “ established between you.” But this is not to be done, any more than it is that the portion of the evils, of the pre- vailing system, which afflicts the *present* generation, is to be remedied by any other means, than that of making a full, and equal, and general division. To do otherwise, would be to commence the *new* system, by incorporating with it, a principle of inequality, which in the old has been the only and fertile source of all the misery and wretchedness which now afflict the human race.

Let no one undertake to say, that both rich and poor *have* understood their rights ; and that the latter, for purposes which have seemed good to them ; have *abandoned*

their right to property, by entering into a state of society. Society has ever had its origin in very different principles. Besides, all men, existing since government was *first* instituted, enter society without any consent of their own. But admitting for a moment, that they did so abandon in the first instance; such abandonment could affect only those who did abandon; it could not affect others. The present generation, therefore, have the right, to claim, that for themselves which is their own, and which no one has the right to abandon for them. Besides, since government began, show me the instance where it has offered, to any of its citizens or subjects, property, either in his own right, or otherwise, *and where it has been rejected*, and the point, so far as this instance goes, shall be yielded.— But such an event never happened. And all that has been urged in this way, has been calculated and intended, no doubt, to make the poor rest as quiet and contented as possible with their miserable condition.

Nor is it to be said, that the various occupations of life are such that some have more need of their original right of property, or rather its artificial substitute, than others. This is not true. The engraver, the pin-maker, the physician, and many others *apparently* need it less. But do they not require houses to live in? Are they not surrounded with wants, which this artificial substitute would enable them to supply, even if they required *no* stock, *no* material, before returns for their industry and skill can come in? Besides, if you dispossess them of their equal right, you place them in circumstances of dependence, such that others, who, thereby, will have, of course, more than they are entitled to, will exercise over them the means of reducing them to slavery. So much as it regards occupations and pursuits requiring small capital; and as to those requiring large capitals, these will be acquired by proper associations. They, therefore,

and others, and all, are entitled to receive what belongs to them, without any abatement or evasion whatever.

Another method of accomplishing the adoption of *the new System in part*, will be to propose exceptions ; and one the most likely to be proposed, is that of exempting Churches and Church property from the Great Public Sale. But let it be remembered that the vast amount of property which these institutions possess, has been drawn from the same iniquitous system which has robbed man of his rights for ever ; that without such system, a few individuals could not, as they have done, have built gorgeous temples, at an expense of two or three hundred thousand dollars, and added thereto, further, and immense possessions. By the same rule that others may be deprived of that which never justly belonged to them, may these be compelled also to give up that which is not their own, into the hands of those to whom it belongs. “ Let, then, the scythe of equality move over the republic ;” and when it has done so—when it has levelled all foolish and factitious and oppressive distinctions—then, let all men stand equal before themselves and their Creator. If, at such a time, any human being, or beings shall think that their duty to the Being who they believe has made them, requires, at their hands, the purchase of magnificent temples, in which to offer up to him their devotions, it will be perfectly competent for them to do so ; and they may buy accordingly, with the dividend which belongs to them as their equal portion ; but to suffer them to have such temples, *at the expense of others*, would not comport with the principles of honesty ; much less of piety ; and is, therefore, to be tolerated on no condition whatever, among a people who know what their rights are ; and who are determined to have them, and the *whole* of them, without any

abatement whatever, at whatever hazard they may require at their hands.

Nor let the man of true piety be alarmed at this. Let him recollect that true devotion resides in the heart of man, in the *sincere* homage which it pays to the divinity ; and that it does not consist in splendid pageantry displayed in magnificent buildings, the work of men's hands ; and that if it be *not* found in the *lives* and *bosoms* of men, it is to be found no where at all. All else is but one gilded scene of hypocrisy ; unworthy of public respect ; obnoxious to the disapprobation of the Divinity ; and *certainly* unentitled to retain any property but such as strictly and equally belongs to itself and to all.

It may seem that I have been unnecessarily severe in my suppositions, of the *extent* of that moral depravity which would, as all must see, prevail to thwart the wishes of the great mass of the community, if there were any possibility of its exercising itself. But those who are capable of making any such objection, have only to consider, that the whole property, for example, of this State, real and personal, on supposition, might be wholly owned by one man, and that he might have two millions of tenants under him. If he were allowed to make disposition of it, out of the State ; it is apparent, on the face of such a transaction, that these two millions of human beings must still continue to remain without possession of any kind whatever. So, if there were, taking the whole State together, some dozen, fifty, or five hundred large proprietors, the same principles of defeat, to all the designs of the community, would exist. Perhaps it might not exist, to the same extent, when there should be many of these large proprietors, as when that number should be smaller, and possessing, perhaps, a greater aggregate amount. The evil does not consist, however, so much in the number of the evil-doers, as

it does in the amount of mischief, which even a *very few of them* may be able to perpetrate. Thus one rich, but guilty villain, would be able, under some circumstances, to transfer, out of the power of the State, more than would fall to the lot of a thousand, or ten thousand beings, certainly much *better* than himself could pretend to be, stained with such a crime as I have imagined him to be guilty of. It would be easy to show, how, among other methods, such a transfer could take place, in case of the State agreeing to pay all debts due from our citizens to others; and assuming to itself all the credits belonging to them. False debts, for false considerations, and to an immense amount, in all the forms, that law could possibly prescribe, would not fail to be presented, in such a manner, that the agents of the State (*perhaps themselves corrupted*) could not possibly reject them. These false debts, easily amounting to millions, without exciting suspicion, especially when we consider the extensive commercial connections which this State maintains with other States and nations, would easily be saddled upon our people; and they would have no alternative. Abolish all debts, however; renounce all property abroad, except such ships, and their property on board, as may accidentally be absent; and then claim all within our limits, wherever found; and to whomsoever belonging; unless it belong to alien residents and transient owners; impose high penalties for evasion, omission, concealment, or other species of crime whereby a man gains, or attempts to gain more than his proper share; just as now grand larceny, and other similar crimes, are punished; and then, and then only, can a just and equal division be brought about; or so nearly so, (although some concealments will take place, such as that of money, &c.,) as to be productive of all the practical good, which it is to be expected such a division will produce. Every thing being

at home, and every man, woman, and child, having an interest in suppressing every species of unfair dealing; in bringing to light all concealments, or attempts at concealment, and punishing the offenders; every counting-house, having its clerks, apprentices, and agents, equal in interest with their employer; every factory; every work-shop with its hands; all the laborers, who know every thing about the property upon which they labor; but of no part of which they can now call themselves the master; all these, and more, will be so many spies upon the wealthy and upon each other; the wealthy themselves also watching individuals of their own number; to insure that every thing shall be forthcoming, and fairly sold and divided. It is thus, I hope, that the poor will see, that I have not only shown him his rights, but how he may get them, in spite of all opposition. If now he does not obtain them, it will be no one's fault but his own, and that of his associates; and this, I am well aware, will not be chargeable upon them longer than is necessary, for the common understanding of their rights, and the creation of a proper concert of action among them.

It is proper to remark still further, in opposition to any impression that I think unfavorably of the efficacy of moral feeling among men, to bring about and maintain such an order of things, as I desire to see established. No man makes a greater mistake, than when he supposes a vast majority of mankind are not honest. If they are not so, what secures to the rich the enjoyment of their property now? If a rich man plunder another rich man, who protects the sufferer? Who punishes the offender? If a poor man do the same, who measures out to him the justice which the law assigns him? If the rich, as a body, are now in the full enjoyment of what they call their property; to what are they indebted, if it be not to the honesty of

the poor, as a body? If the latter, as a body, were not honest, honest even to the fault of suffering others to retain what does not belong to them, what is there to hinder them from indulging in their dishonesty? Is it the law? Is it a little parchment, inscribed with a little ink, as is now the paper I write on? Or is it the valor and prowess of the rich? Is *their* number sufficient; is *their* strength adequate; to prevail over the will or the wish of the great mass of the people?

On the contrary, I build my system on the moral constitution of man. If, in the introduction of it, if, in the first instance, it is necessary to use punishment and severity; it is to unclench the hand of avarice, and make it give up its dishonest possessions. But this feeling, which thus requires the use of energetic means, is itself an evil, having its origin solely in the present order of things. Let the new order be established; let the judgments of men be convinced, that no property is their own; that they have only the use of it, while they live; that when they cease to live, it belongs to others; and that it is not for the past possessor to say to whom; and public opinion will support this system, as it now does the present. It will no more controvert any of its principles or provisions, than it does now, those that exist among us. If, for example, it comes to be understood, to be as much of a felony, of a robbery, of a crime against another, for a father, during his lifetime, to give away his property to another, to a son or a daughter, for example, as it is now, to counterfeit coin, or commit highway robbery; will such father be likely to make such gift? Will the son or the daughter be likely to receive it? If the one is about to descend into the grave, will he dare to leave, at his exit from the world, a tarnished memory behind him? Will his children dare not only to survive their father's reputation, but to live in the infamy of their

own? On the contrary; will they not be anxious to avoid any and every *suspicion* of having had agency in any such transaction? Besides, in what particular would the receiver profit? To bestow it on his or her children, the same offence must be committed again; and that by two parties; and both under the same perilous circumstances. It does not avail to say that a thousand opportunities would exist, whereby it *could* be done, without detection. So do daily, and hourly, now, opportunities exist where men, in a thousand ways, may commit offences against our present laws, and yet it is not done. The truth is, that system is a good one which is built on the supposition that men are honest; and that is a false one, which supposes them to be otherwise. It is moral rectitude which prevents the commission of crimes now, and it would be the same moral rectitude, under much better circumstances, however, which would prevent the giving property away, under the new system; inasmuch as it would be seen to be a robbery of the next generation.

Besides, in the new order of things, both father and son would be equal. Neither would be in need. And every one knows, that gifts do not prevail between equals; not even between parents and children. There is no motive for it. If it ever happen that they are offered, it is seen immediately, that they create resentment. They are received as insults, or as foolish offers of unavailing kindness. For the party to whom they may be offered, instantly feels himself treated as a menial, or a dependent. In this case, besides being degrading, it would be *criminal*; it would subject to *loss of reputation*, and to *punishment*. If, therefore, it has been necessary, in my estimation to provide punishment for a crime so little likely to be committed, it is because it is rendered necessary, in the first introduction of the system, in consequence of the vices already engen-

dered by a corrupt state of things, which this system is intended to supplant and remove.

So much as regards a gift direct. It hardly needs be said that property sold, or service rendered at a price, either above or below its worth, is a gift also ; which, on being circumstantially proved to have been made, for the purpose of evading the laws, would subject the parties concerned to the infamy and punishment now awarded to felony. Gaming, by lottery, or otherwise, would be felony also ; since it is nothing less than a gift from the loser to the winner ; and to this practice, the moral feeling which would pervade the community, would put an entire stop. Nor is this, in any manner, to be doubted, unless it is to be supposed that the citizens, in the new order of things, would be indifferent to their children and grandchildren, being deprived of a portion of their patrimony, on coming to the age of maturity. And even these, during the period of minority, would not fail to expose all offences of the kind that came to their knowledge ; thus restraining and preventing the practice, if a sense of moral rectitude did not, of itself, prove adequate to the object.

As to insurance, (by private incorporations,) I have not thought it strictly consistent with the design of this Work, to give my ideas in relation to it. There is no doubt, that it bears, in some degree, the character of gaming. And it is an important question to decide, whether it ought not to be excluded altogether, from the proposed new modification of Society. In this event, however, the State Government itself would find it necessary to become the insurer, in all matters in which it is proper to insure at all. I incline to think that it would be the best system that could be adopted ; and that for a multitude of reasons, which cannot fail to suggest themselves to the reader, and which I need not trouble him to mention.

The reader has seen, that the fund which enables each individual to bid for his share or proportion of the property of the State, is in the form of credit. It will not be possible to do it with money, as, for such a purpose as that of selling the entire property of a whole community, at one time, there is not money enough, perhaps, in the whole world. I have no accurate means of ascertaining what amount of gold and silver, for this only is money, and can be received as such, there may be in this State.

As it regards the United States, it appears that, since the year 1793, when our mint was first established, up to the end of the year 1828, there have been coined, a trifle less than $30\frac{1}{2}$ millions of dollars, in coins of every description. If we suppose, anterior to the first mentioned period, that we might have had, already among us, $5\frac{1}{2}$ millions more; and if we further suppose, that we have held our own; neither added to, nor diminished this amount, it would appear that we now have, in the nation, the sum of thirty-six millions of dollars. Taking now our numbers at twelve millions, we discover, that there would be only *three dollars* to each man, woman, and child, in the United States! If this be any thing like correct, how ridiculous will appear those boastings of the importance of Banking Institutions, which we so often have sounded in our ears, especially on the subject of the *safe-keeping* of money. When all men shall have their equal rights to property accorded to them, how childish will it not seem, to talk of the importance of such a service; even if a family, say of five persons, were to have even five hundred dollars, instead of fifteen or twenty? If Banks have derived any consequence from this kind of service, rendered to the community, it has been because one only in a million, as it were, has possessed money; and *he* has felt that he needed some such place of safe-keeping for his ill-gotten treasure.

Let the people but have their rights, as it regards property, and they will keep their gold and silver, as well as other property, *safe enough*, without any aid to be derived from Banking Institutions of any kind whatever. If, however, any of them shall be troubled with more than they will have any disposition to *keep safe*, they can even do with it as a man is obliged to do now, who has cotton, or tobacco, which he does not wish to keep himself; they can pay another for keeping it, in his warehouse, and not tax the community with the charge, as is now the fact, with respect to money, in the shape of chartered privileges.

But, inasmuch as the coins of other countries circulate here, by the command of our laws, as well as our own coin, a circumstance I believe, which happens with few other countries, especially, if they be of any great importance in the scale of nations, it may be that this estimate is too low. About the period of the occurrence of the French Revolution, when the population of France amounted to twenty-four millions, M. Neckar* ascertained there was above four hundred millions of dollars in gold and silver, in that country, in constant circulation. This would make about *seventeen* dollars, for every man, woman, and child in France. In England, at the same period, the quantity for each such person did not exceed *five* dollars. This difference, is in part to be accounted for, from the fact, that, in France, there was no paper money; and that in England the quantity was, as it continues to be, enormous.

If, therefore, I were to make the quantity of gold and silver, which, *pro rata*, belongs to every man, woman and child, in America, equal to what it is, in France, it

* See Administration of the Finances of France, Vol. III; by M. Neckar.

would still be very inconsiderable, when compared with the entire valuation of all the property of the State. The Credit fund, therefore, was indispensable, as furnishing the only means of transferring the whole property, at a time to new-owners ; at prices the same as would be commanded for it, if it were sold in any long course of successive negotiations.

It is not possible for any one, much less for myself, to offer any thing more than a mere conjecture of the probable value of the State. So much of property has been exempted from taxation, to satisfy the cupidity of various orders of our people, at the expense of the rest ;* so much of personal property which is *liable* to assessment for the purpose of taxation, escapes the knowledge of the assessor ; so much of what is assessed ; is assessed only at a nominal value ; so much of it is held by the State, such as our Salt-Springs, and public lands ; of the latter nearly one million of acres ; and so different would be the circumstances, under which all this property would be put up, to sale, if ever it be done, that I should not at all be surprised, if the result of such sale, should make the aggregate value of five times the amount, at which any actual

* Witness the exemption from taxation, of Church property, altogether ; and the property of priests, so far as it does not exceed fifteen hundred dollars. Who does not see, in this oppressive privilege, the apostles and followers, as they affect to call themselves, of a holy religion, with one hand offering up devotions of piety to the Creator ; and with the other plundering the pockets of their neighbors, of money, with which to pay the taxes on their property ; since by *availing* themselves of, if they have not sought, the exemption, they impose the burthen of taxation *wholly* upon the remainder of the community which ought to be borne equally by all, by themselves as well as by others ?

assessment, under existing circumstances, has ever made it. For it is to be recollected ; that every thing would be sold at a price, little or nothing less than the labor would be worth, to supply the place of that which is wanted, but which if it be not purchased, must be made. Thus in personal property, this principle would prevail, throughout ; and so also, in real, so far as regards all the labor that has been bestowed upon it to make it what it is.

Corresponding with these ideas, my conjectures would make the whole property of this State, to be worth, two thousand or twenty-five hundred millions of dollars. Putting the whole population at two millions, as it is likely to be, in 1830, and dividing this sum equally among them all, it would amount to a thousand or twelve hundred and fifty dollars each, for man, woman and child. But as none are to have any thing, who have not arrived at the age of maturity, whatever that shall be, this amount will be more than doubled. Thus—the age of sixteen and a half is about the dividing line. I mean by this that there are as many under this age, as there are over ; and as many over, as under. If then this age were selected as that of maturity ; the portion which each person of mature age would receive, would be equal, under the estimate I have made, to about, from two thousand to twenty-five hundred dollars. A man, therefore, and his wife, would have from four to five thousand dollars. And by fixing the age of maturity, at eighteen, as recommended in this Work, instead of sixteen and a half ; the amount already assigned would be still greater yet.

I do not particularly concern myself to repel any charge of extravagance, which may be brought against me on account of this estimate. I do not undertake to *know* any thing about it. And such I presume is the situation in which any one will find himself who undertakes to ar-

raign its correctness. It is sufficient for me, that I have shewn, that there is a probability that some such large amount, will be forth-coming to each individual whenever such sale and division is made, as this Work proposes. And such sale, and Division, in addition to the other good effects which it will produce, will also determine, how far I am wrong, and how far those who controvert me are right; for this will be the only way of arriving at the truth. Besides, it is not a fact, that the patrimony is useful on account of the number of dollars which may be made use of, to compare its value, with other things, or with other patrimonies; but *because the system which bestows it, makes all equal*; because it banishes, in the common acceptation of the words, both Wealth and Want; destroying both the oppressor and the oppressed; the victor and the victim, by preventing accumulation of power in one; and destitution, weakness or poverty in another. And this good effect, would be equally as well accomplished, if the property, placed into each man's possession, were known by a valuation to which we give the idea of five hundred dollars; as if it were fifty thousand dollars. For names do not change the nature of transactions, or facts, whatever they may be.

It is apparent, therefore, without even a moment's reflection, that either *three, five, or seventeen* dollars each; even if we could suppose, they would all be forth-coming; would be of no avail, towards the purchase of a patrimony for any one. It is of necessity, therefore, that each one must bid; and as he cannot be expected to have the means of payment for any bid over his amount, he is to be restrained from bidding beyond a certain excess: he must be restrained also from bidding below a certain deficiency. In the case of the excess, if it be for fast property; the State may hold a lien on it, for a reasonable time, until

the industry of the owner can have opportunity to redeem it. And if it be personal, security, by way of lien on the property of others, or some other adequate arrangement, may be adopted to secure its delivery to the purchaser, and payment to the State. I need not trouble the reader with details, which he will as well know how to supply as any one else.

As each one must bid, he will naturally bid for that, which will best suit his purpose in future life. Nor will any one be able to buy much of such *particular* personal property, as would afterwards sell readily ; and be converted into money for the use of the spendthrift. *All* will have use ; and that, too, for an *equal* portion of those articles which enter into immediate and general consumption ; such as clothing, food, and luxuries. There will, therefore, be *no* opportunity of engrossing these articles, which would be particularly saleable and convertible into cash ; and if there be even *something* of the kind, there will be a small field for the exercise of such a propensity, since all, or nearly all, will be supplied with what they have any present means of paying for. If they are to purchase more, they must set themselves to work before they can *pay* ; and in the mean time, he who might have to sell, must work, too, or perish ; and he would, therefore, have a much narrower opportunity of playing the prodigal, than he has now.

“ This will be, to empty our warehouses and storehouses,” says one, “ and will you do without merchants ? ” Not an hour, I answer. “ With what will they fill their warehouses, again, since they will have little money ? ” I answer again, with honesty, with good character, with skill in and knowledge of business ; in one word, with reputation for integrity, as chiefly they do now. It will be quite as impossible, then, to do without merchants, as it is

now. The cultivators of the soil cannot sell their produce, except in gross; and the artisan and manufacturer will still continue, as he does now, to find his interest in employing a salesman, (probably altogether as a commission merchant,) rather than in being the salesman himself. Whoever, in the new state of things, should fancy that the merchant was the owner of all he had in possession, would deceive himself; but he would deceive himself very little more than he would to fancy the same thing now. The world would be altered in one thing only; the owners of it would be different in number and relative worth; but this would be all; except the immense difference that would soon make itself visible in individual and general prosperity.

CHAPTER VIII.

Conclusion.

If a man were to ask me, to what I would compare the unequal distribution of property which prevails in the world, and has ever prevailed, I would say, that it reminds me of a large party of gentlemen, who should have a common right to dine at one and the same public table; a part of whom should arrive first, sit down and eat what they chose; and then, because the remaining part came later to dinner, should undertake to monopolize the whole; and deprive them of the opportunity of satisfying their hunger, but upon terms such as those who had feasted, should be pleased to prescribe.

Such, now, is the actual condition of the whole human race. Those who have gone before us, have been the first to

sit down to the table, and to enjoy themselves, without interruption, from those who came afterwards ; and not content with this enjoyment, they have disposed of the whole dinner, in such a manner, that nine-tenths of the beings that now people this globe, have not wherewith to dine, but upon terms such as these first monopolisers, or those to whom they pretend they have conferred their own power as successors, shall choose to dictate. It is, as if, after dining till they were satisfied, a general scramble ensued, for what remained on the table ; and those who succeeded in filling their pockets and other receptacles, with provisions, should have something to give to their children ; but those who should have the misfortune to get none, or having got it, should lose it again, through fraud, calamity, or force, should have none for theirs, to the latest generation.

Such is the exact resemblance of the present order of things. Ye proud and rich possessors of the earth, look at this, and see if it be not so ; and being so, and seeing that it is in your power to consent to a more *honorable* method of obtaining title to possession ; say, if ye will not do so ? I do not ask you, because it is in your power to confer any favor by giving such consent ; for, this community, and every other, whenever they shall understand their rights, will have power enough in their own hands to do what they shall think fit, without seeking for any acquisition from you ; but because it will be more agreeable to your own true happiness, to give such consent freely ; than, with the ill, but unavailing grace of reluctance. Three hundred thousand freemen, in this State, hold votes in their hands, which no power that you can command can take out ; and of these freemen, more than two hundred and fifty thousand are men whom a preceding generation, together with yourselves and their own ignorance of their rights have conspired to place in situations such that they

have no property in the State of which they are citizens ; although their title to such property is as good as that of any man that breathes.

The first possession of this State, by the ancestors of its present inhabitants, was acquired by means, partaking of the nature of fraud, cunning, purchase and conquest, the latter predominating ; acting upon ignorance, and want of the power of resistance. So far is this emphatically true, that in 1609, on Hudson's return from the place where Albany now is, whither he went, in the very first voyage which led to the discovery of the river which bears his name, " a considerable number of Indians had assembled at the head of the island, [Manhattan, on which this city now stands,] and as he approached, assailed him with a volley of arrows from their canoes. By a few discharges of cannon, and muskets, which killed several of the savages, the attack was repulsed, and the assailants put to flight." So that from this historical circumstance, in the absence of other history which I need not refer to, it is evident that some previous aggression had provoked this attack.

But it is not necessary now to say more, in objection to titles obtained, by possession, by conquest, or by any other imaginary species of acquisition. It has been shown already, throughout these pages, I trust to the satisfaction of the reader, that *title* to property exists for all ; and for all alike ; not because others have been ; nor because they have *not* been ; not because they had a certain being for a parent, rather than another being ; not because they appear later, or earlier, on the stage of life, than others ; not because of purchase, of conquest, of preëoccupancy, or what not ; but BECAUSE THEY ARE : BECAUSE THEY EXIST. I AM ; THEREFORE IS PROPERTY MINE ; as much so as any man's, and that without asking

any man's permission ; without paying any man price ; without knowing or caring farther than as my equal right extends, whether any other human being exists, or not. Such is the language of nature ; such is the language of right ; and such are the principles which will justify any people in pulling down any government ; which denies, even to a *single* individual of the human race, his possession, his real tangible possession, of this unalienable right of nature ; or its unquestionable equivalent. How much more so, then, is it the duty of any such people, to destroy their own government, when *more than nine-tenths*, it may be, are deprived of rights which the Creator gave them, when he gave them existence?

Before I approach the termination of this work, it may not be amiss, that we ask ourselves, how has it happened, that wealth, or in other words, possession, has succeeded in making itself so unequal in the world as it appears ; and appears, almost without exception, ever to have been ? Immediately there are hundreds, who are ready to cry out, " It is conquest that has done it." And having so said, they seem to say, by the acquiescent manner in which it is spoken, that having been brought about by conquest, it is, therefore, impossible to undo what conquest has done.

Conquerors, undoubtedly, have their rights, as well as other men. But, these rights they have, *as men*, and not as conquerors. Often, no doubt, with the sword, they have won what truly belonged to them of right ; but, then, it was not the sword that conferred the right ; it only gave possession of it. The right existed before the sword was made to belong to him who wielded it. It came into existence with his own being, and departed only with it. But its *possession*, its *enjoyment*, often may depart without it, as *has* happened, I might say, almost for ever.

But how came conquest ? How came men to be willing to hire themselves out to those whom we call chieftains ?

To be pierced with spears and arrows ? To be penetrated with sword and ball for price ? How came man to set himself up, as a mark to be shot at, for sixpence a-day ? We need not go to remote ages to find an answer to this question. Ask only at our Forts ; enquire only of our Navy, and they will tell you. They will say, that if society had given them all *a competence*, (or rather the means of acquiring it,) such as all men might have, under proper circumstances, they would not have consented to be where they are. And this would be true of all nations. Let the men of all nations be made equal among themselves, in point of property, and then will wars be immediately self-extinguished for ever. Keep up this unnatural inequality in wealth, which now exists, and they will exist as long as two nations shall be found in existence. Nay, more, they will exist even yet longer ; for when only a single nation shall be found, civil wars will not fail to appear, as they do now, and from the same causes.

It appears, then, that conquerors grow out of a state of unequal possession of property, ; and without such an unequal possession, they would never have existed. It appears, also, that by destroying this inequality every where, conquerors and warriors would be destroyed also. The question, then, again comes up ; how came this inequality to exist ? How had it beginning ? For we can all easily understand how it would continue unequal, and the inequality increase in magnitude, after it has once had a beginning. For it is even proverbial that “ money makes money ; ” whereas, the true proverb should be, that *man* makes money. It is quite as ridiculous to say, that “ money makes money,” as it would be to say that one plantation makes another. Between the owners of these two plantations, there may be certain relations, by which the one owner comes to be possessed of both ; but still it is

an absurdity of the grossest kind, to say that one plantation ought to have, that is, makes, or earns another. However, as the world now is, "money makes money." And so true is it, that if a little globe of gold, as large as that of the head of a large brass pin, say the one-sixteenth of an inch in diameter, were let out on compound interest, at 5 per cent. a year, in a little more than 1300 years it would amount to another solid globe of gold, greater than this whole earth! Interest, therefore, is like a magnet, which daily gains more and more power, as you append more weight to it; and that without doing any thing to acquire or increase this power. But, to recur again to our question: How, did inequality begin?

To ascertain, we must go to those countries, in whose first settlement conquest had no agency; and when we have arrived there, we must ascend to the earliest age of the people who inhabit it. What shall we find there? No history can tell us any thing; for at such periods of time, men were not able, and if they were able, had no motive to write one. We are, therefore, left to follow nature by analogy; and from the little we do know, to infer what we do not know.

At that early age, we may understand a great extent of country before us. We may understand, also, that there were very few people. We may consider them ignorant and helpless. Their resources of subsistence would be the fruits and roots of trees; animals and fish; and their clothing, as far as they might have any, would be, perhaps, the skins of the beasts they had killed for food. Habitation they would have none; or if any, it would be for rest, a cave, or a hollow tree, or the recess of some super-impending rock. If, in process of time, they should learn, as they would, that the animals on which they subsist, might be rendered docile and tractable, it would lead them to disco-

ver that those which they now take in the chase, with great labor and difficulty, and frequently at great intervals of time, producing great distress from hunger; might be bred up in a domestic way; and they would adopt the practice. This change would lead them from the state of hunters, to that of shepherds. At first, these would locate themselves no where. They would ramble about for food: and as there is supposed to be a great superabundance of territory, and but few people, there would be no objection, because there would be no collision of interest; and, therefore, there would arise no investigation of rights. For rights are never investigated, whenever all have more than they know what to do with. It is only when privation begins to bear hard, and oppression to manifest itself, that inquiry into rights begins to take place.

But if they did not, at this stage of their existence, inquire into the rights of this shepherd, to this *temporary* location; and of that, to another; because there was no need of it; so also did they not *inquire*, (as men, now, do not inquire into their rights,) why one should have a larger flock than another; or why one shepherd dying, a certain person, or persons, rather than any other person, or persons, should become the owner of it. All had enough for their own simple wants, and this was sufficient to render inquiry unnecessary. If, indeed, any inquiry could have arisen, at that early period, it is not to be doubted, that the principle of equal rights would have prevailed; and this, if necessary, would have proceeded to the greatest extent possible. Thus, not only would it have been forbidden to any one to monopolize one location rather than another; a larger flock rather than a smaller; but the right, in preference to another, to sleep even in a hollow tree, would have been contested, and contested with the same zeal and

animosity, as that with which armies now contend for the acquisition or preservation of empire.

In progress of time it was discovered, that these flocks could be raised with less labor and risk, if *cultivation* were added to their store of resources. But this required a *permanent* location. It called upon the shepherd to fix upon some place. In this there would be no difficulty. For inasmuch as territory is very abundant, and population thin, there is room enough, and more than enough, for all. Why should they differ? Differ they did not; and not differing, no inquiry was made, why *this* location should belong to *one* rather than to another. Had any such investigation arisen, as a matter of course, the affair must have been settled by convention. Agreement must have assigned this to this; and that to the other; and no one could have said, such and such are mine, to your exclusion. Battle would have been the consequence of such a declaration, and the right of the strongest would have prevailed; but it is not to be known here, whether it would have been the right of justice. Yet, during this natural progress of things, experience has not taught them; they do not perceive, the future tenacity with which possession, *now simply not objected to*, will be retained, on the principle, as it will be called, of right in the holder, by virtue of this same possession.

During all this time, population increases; but increases slowly. Deaths happen. Parents more or less keep their children around them. When the former die, as there is little wealth any where, little or no inquiry is started, as to whose are the flocks that the father possessed? Probably none at all. Land is abundant every where; and all have opportunity to have flocks of their own, and to cultivate, little as they may do, fields of their own. The children are, therefore, left in possession.

Nor, if two shepherds immediately adjacent to each other, should die, at the same time, one having, it may be, five children, and the other only one ; would inquiry arise why the one child should have the flocks of the one father, and the five children have only the flocks of the other father ? In general among all such nations, and I believe, always, hospitality prevails, to a great extent, and if need should arise, for the numerous family to receive of the flocks of the richer son, hospitality would afford it. Besides, land still greatly abounding, new locations would be taken, new flocks reared, and new fields cultivated ; without any investigation of their actual original rights.

I said, fields would be cultivated ; but the tillage they would undergo, would hardly deserve the name of cultivation. Every thing would be extremely rude. Nor, in most cases, would those fields have any fences. The locations would be *without lines or limits*. There would be no boundaries, for the simple reason, that there is yet more of soil than any of them want. If fence be made at all, at this period, it is such, perhaps, as that which may be sufficient to inclose their flocks, and keep them from straying, while their owner sleeps.

The handicraft arts would begin to make some progress. Accidental circumstances would give some much more taste and skill, in their prosecution, than others could acquire. This superior taste and skill would be turned to account, to supply the wants of their possessor. He would look less to land, and the ordinary resources, than others are obliged to do. He would soon become indifferent, more or less, to the possession of the soil. By imitation, too, his children and associates would, more or less, adopt his mode of life, and acquire similar facility in the same pursuits. If they did not, they still could get land as much as they might want.

In this way, society advances in numbers. The arts also advance in number, perfection, and the population engaged in them; and still there is land enough for all, and more. But they find it in their common interest to divide, almost without knowing that they have done so, their occupations. Still the principle prevails, and gains strength, that whoever is near the dying man, at and about the latter part of his life, succeeds to his possessions. Nor is there yet any great harm in it: for there would be very little alteration produced for the common benefit, if the attendants upon the dying man, (being generally his children,) should abandon his location, and take another. For as yet there is more land than any and all want.

The children of those, too, who pursue handicraft trades, succeed to the possession of their father's effects; because the principle is seen to be similar; and because it is perceived, that they will better understand the use of them; and can better employ them in the satisfaction of the wants of others.

In the course of time, however, land is taken up so much, that there begins to arise some inquiry as to the *extent* of rights; none, however, as it regards the rights themselves. Long established custom having sanctioned the latest, as well as the earliest locations, it does not occur to them, to go back to periods of times anterior to their first fixation. All they conceive they have to do, is to assign *limits* or *boundaries* to such locations, as they now find them; and this, of course, is done, by what may be called the public authority. They lose sight of that original question, which they would have had to discuss, if, instead of coming through this long and tedious process, it may be, of some thousand years, to their present condition, in point of numbers, and knowledge; they had just arrived, for the first time, to the possession of the territory they now occupy.

In the latter event, they would have to enquire, why this location, rather than another, should belong to this man ; or why another should belong to a second instead of a third ; and why also a son or a brother, rather than any other person, should have it, or either, after the assigned owner has left it. All these are questions, now, *which they do not discuss* ; and for the simple reason, there is no subject requiring their interposition, but that of *boundaries* or *limits*, to each man's possessions. As yet there is land ,there is property enough for all ; and therefore, again, they do not enquire about their rights.

At the same time, too, that limits are assigned to these locations, they are made transmissible, like ordinary personal property ; and probably now, or before this time, money is invented.

Here a great change takes place. Population continues to increase ; and now they can find no more unsettled land. Or if they can, they must go farther for it, than they are disposed, or are able to afford the means necessary. Sooner than do this, they prefer to enter into a treaty with him or those who have, and may spare. For the first time, the land-holder begins to feel that he has power. He tastes the advantage of it ; and his thirst increases for more. Here, then, has avarice begun. Nor could it begin, until some human being was found, out of whose distress, arising in consequence of *his wanting possessions, such as his fellows enjoy*, the sweets of another's labor, were to be extracted.

Necessity arising from a deprivation of their natural and original right to property, compels many to make a treaty, whereby they surrender a portion ; a small portion, at first, it is true, of their labor. Numbers continue to increase, but the land itself does not increase. Greater and greater exactions are made, till, at last, they become so great that

more cannot be given ; for more is not in being to be given. Still population increases yet more ; and men, needy and wretched ; finding that they cannot obtain the means of supporting life, but by engaging in the interest of some large possessor, who has cause of quarrel with another, *he consents* ; and thus do we see the origin of the soldier. And so does this state of things continue to increase, in inflicting misery and wretchedness upon the race, 'till it arrives at the condition in which we now see mankind suffering.

In all the principles of the rights of property which are thus seen to have been almost insensibly adopted, *there is not one which has been adopted on any consideration, correct or otherwise, of its own merits.* Usage has done every thing. Custom, practice, habit, has made all the law ; and made it at times, and under circumstances, in which it was of *no consequence to the generation then being*, whether the *principles involved* in the custom, were good in themselves, or not ; - whether they would be productive of immense injury or not, when they should come to have a dense population to act upon ; whether they were consistent with the rigid rights of their own generation, or not ; whether they preserved the rights of posterity, or sacrificed them with a most unsparing hand. To them, it was all the same, whether they had good principles, or bad, or *none at all.* And the latter was the fact. For it is not to be said that any *principle* prevails, where no investigation is had, of the effects which the practice, whatever it may be, will produce, when carried out to the fullest extent.

Thus, in detail, do we see, how the present state of things has had its origin. In the origin of the soldier, the material of conquest, do we see also, the origin of every other miserable and dependent human being. And when

conquest has once created for itself an existence ; how frightfully rapid does it transfer into its own keeping, as it were, the whole property of the globe. Look at the early history of this country, and see how vast are the possessions that owe their origin, more or less, to this source. Look, also, at South America. Is there any legitimacy of title in all this ? And now, that suffrage, and the printing press, have come to the redemption of man's rights ; shall not man undo the wrongs of the sword ? Shall he not correct those errors that gave the sword its existence and its power ? Shall not man, now, even at this late date, when myriads of millions have gone to their graves, without ever having once enjoyed their rights ; shall not man, now, rise in the majesty of his strength, and claim that which as much belongs to him, as does his life and liberty ?

Let it not be said, that man is yet unfit to enjoy these rights. Who, or what is it, that has made him so ? Is it not the very evil of which I am speaking, *if it be any thing* ? And is it to be said that man is to be made fit, by keeping him under the operation of the same cause that has made him otherwise ? Besides, why should it be said, that man's right to property, in the light in which I present it, his real and true right, is more to be kept from his possession and enjoyment, than a right in the same person even, to property coming to him in the ordinary way ? No man, now, undertakes to say, that an heir at law, as now the law is among us, shall not come into possession of a legacy, because people, whoever they may be, choose to say he is unfit to receive it. Even if he be truly unfit, he nevertheless receives it, by way of guardian or trustee. Why then is it to be said, that men generally shall not have their rights, in the acceptation in which I understand them, if they shall be of opinion, that this acceptation is correct, on similar terms ? Ask *them*, when they shall have made up their

minds, what their rights *are*, if they are to be kept out of their possession, by any such frivolous pretexts?

But not to treat these frivolous pretexts either with a levity or a severity unbecoming our subject, it would be easy, I think, to show, in any age, and particularly the present, that the poor and the middling classes, those whose condition would be benefitted by the adoption of the system recommended in this work, are *now* possessed of higher intellectual, and better moral acquirements and habits, than belong to those whom we call rich. And the proof is, as it regards the comparison of *knowledge*, both theoretical and practical, between the two parties, that if, this day, their opportunities of displaying it, were made equal, by making property equal, those who now fill the lower ranks in life, would live better and happier, on the same amount of exertion, than those who fill the higher. This, then, I take it, is evidence of the fact. For if knowledge be not that which enables us thus to live better and happier, I have yet to learn in what it consists. Any knowledge of a character different from this, I apprehend, is not worth having, and deserves to be considered as either worthless or hostile to human happiness. He, therefore, is surely no friend to the race, who, on any such unfounded pretence, as that of unfitness, want of knowledge, &c. &c. objects to the *immediate* enjoyment, by the numerous class of whom I am speaking, of their right of property, as well as of every other right. And as to the question of comparative *morality* of the two classes, every one knows that the poorer is the most virtuous.

Besides, how ridiculously absurd must those political physicians appear, who shall oppose, or attempt to *postpone* such enjoyment of their rights by the great mass of the people, until they shall receive, as the phrase is, the benefit of education. If they be sincere in their belief that such

education is so very indispensable as a previous step to this enjoyment ; and that the people are not now sufficiently instructed, let me ask them how, under present circumstances, is it ever *possible* to give it ? Is a family, where both parents and children are suffering daily, in their animal wants ; where excessive toil is required to obtain the little they enjoy ; where the unkind and the unfriendly passions, generated by such a wretched condition of things, reign with fell sway ; is such a family in a situation to receive instruction ? Even if the children *attend* public institutions of education, as punctually as may be wished, where is that equality of rank and condition, as well between their parents as between themselves, which is so necessary to banish even from among children, those envious remarks on dress, &c. &c. which now render our public schools in a measure abortive ? Political dreamers ! Reformers, if ye prefer that I should call you so ! Feed first the hungry ; clothe first the naked, or ill-clad ; provide comfortable homes for all ; by hewing down colossal estates among us, and equalizing all property ; take care that the animal wants be supplied first ; that even the *apprehension* of want be banished ; and then will you have a good field and good subjects for education. Then will instruction be conveyed without obstacle ; for the wants, the unsatisfied wants of the body will not interfere with it. In the mean time, let all remember, that those who undertake to *hold back* the people from their rights of property, as shown in this Work, until *education*, as they call it, can first be communicated, (though as already shown, they now know more of all that is valuable among men, than those who attempt to teach them,) either do not understand themselves, or pursue the course they *are* pursuing, for the purpose of diverting the people from the possession of these rights ; that they may be held in bondage, even yet longer. It becomes

the people to consider, and reflect, how far it is proper for them, *to suffer* themselves to be thus *decoyed* out of the enjoyment of their rights, even for a single hour, by any such fallacious pretexts. And fallacious they must undoubtedly appear, since the entire accomplishment of all that I have marked out in this work, as well the form of government it exhibits, as the method of bringing it into existence, is a matter as plain as that of the equal division of an estate, which the father of twelve children may have left, without a will, and therefore left to them all equally. These, although not one of them could read or write a letter or understand any thing of what is called science, in all its thousand branches, could nevertheless divide it among them with the most equal and impartial justice. It would be the veriest nonsense to talk first of lecturing these heirs into knowledge; if you please, into the knowledge of Astronomy, Chemistry, Botany, Anatomy, Medicine, Painting, Sculpture, Mathematics, &c. &c. &c. knowledge which has no kind of necessary connection with any correct understanding of our rights, before giving them their property; but not more so, than it is now to say, that the people are not fit to have *their* property given to *them*, until they have first gone through a course of education.

The truth is, all men are fitted for the enjoyment of their rights, when they know what they are. And *until* that time, they do not desire them. They languish in misery and wretchedness; every new day being a new day of sorrow to them, when they do not perceive them; and seem rather disposed to charge their evil condition to some "bad luck," as they call it; to some imaginary decree of destiny; to some superstitious interference with their happiness; than to any possession by others of property which belongs to *them*. Thus is it the case with the poor and the rich, passing now in review before us. The former does not

Imagine that it is the latter which renders his life miserable and wretched. He does not conceive that it is he who fills his cup with bitterness, and visits himself and his family with the afflictions of slavery. "Still, slavery, still thou art a bitter draught; and though thousands have been made to drink of thee," without knowing that thou comest in the shape of the rich man, holding in his hands that property which belongs to his fellow-men; "still thou art not the less bitter on that account." So would Sterne have said, and so say I.

In the same wandering and benighted spirit, do both the poor and the rich, the proprietor and non-proprietor, he who has every thing and he who has nothing, cheat themselves, daily, with self-delusions. How came this to be your property? If I ask a man such a question, he immediately replies, "I bought it of such a one." Well, then, I suppose he had *a right to sell it* to you? "Certainly," he answers. How came *he* by it? I ask next. "He purchased of such a one." And he, I suppose, had a right to sell, too? "Undoubtedly." And so we go on inquiring, till we come even to the days of Adam. How came *he* by it? is the next question. And the true, but hurried answer is, "*God gave it to him!*" Here, for the first time, reason begins to awake, and see where rights originate. What! And did God give rights to Adam, which he has not given to you? Did God declare, to the man of his first creation, that *he* not only should have the *use* of this fair paradise, as it is said to have been, free of all charge, but should also have the power to say, that no human being after him, should have the use of it at all, for ever? For, if Adam have the power to sell, so also has he power *not to sell*; he has power to deny its use to any or to all. Better, far better for mankind, if such is a correct foundation for our right to property, that Adam had never been; for then we

should have possessed it; without buying of him *who never bought himself*; and to whom it was never *given*, for the purpose of selling to others; but for the satisfaction of his wants, so long as he should have any; that is, so long as he should live.

But the absurdity does not stop here. If, in his lifetime, Adam should sell the property of the world; supposing him to have the right, he might do so; if, indeed, it be not a contradiction, when there can be nothing to be received in payment and on which to support himself. And if he wait till he is deceased, how can he sell then? Can the dead sell? In our day, we do not see bargains made in this way. Both buyer and seller are living persons. Perhaps it will be said, that before a man dies, he may *agree* to sell, and to deliver at a future day; and that day may be *the day of his death!* A strange day this for the consummation of a bargain! But suppose it to be so, can the dead make *delivery* of property, any more than they can make *sale* of it? Is it to be done by proxy? Proxy I have heard of, in relation to the living; but never to the dead. Besides, if proxy is competent to make *delivery* for the dead, so also is it competent to make *sale* or *disposition*, and that without any consultation with him who has once owned it. And this places the matter where it ought to be.

Thus does it appear that one generation cannot sell, give, or convey, even if it had the right, to another. The reason is, that the one is dead; the other is living. The one is present; the other absent. They do not, and cannot *meet*, to come to a treaty; to make delivery; to give or receive. He who is dying, is present: so soon as he is dead, he is past, and is no nearer to us, in an instant after life has departed, than if he had died a thousand centuries ago. Patience becomes exhausted in thus chasing

away the phantoms on which possessors of property found their title to it ; and on which, too, the poor yield their assent to the *validity* of such title ? But it is useful to dispel such errors from the minds of both the one and the other ; that one may not put up a claim, which he shall see he cannot support ; and that the other may not confirm it, through a misunderstanding of its real character.

But, if property thus derived, does not give to its possessor *title*, how are debts to be founded upon it ? How am I to purchase of another that which is already truly my own ? How is a man *truly to sell* that which does not belong to him ? If it do not belong to him, in unimpeachable right, he cannot give unimpeachable title ; and unless he can give such title, he cannot have any just claim to receive consideration. If he *think* he has such title, he may be very honest in his opinions ; but this would not make it the better for him. Title does not come into any man's possession, merely by the force of imagination. It has other origin than this. To allow a man to sell that which is not his, would be to compel some one to pay for that which, in true right, is already his own, without payment at all, of any kind, or of any amount. Let no man, therefore, say that another owes him ; and ought to pay him : let him rather first inquire into the title by which he has held that which he pretends he has sold ; let him inquire *first*, if it was his own to sell. Let him ascertain if the pretended debtor, through his ignorance of his own rights, has not been placed, by his own government, in necessitous circumstances ; and that himself has, by the same government, been placed in unjust affluent circumstances. If both of these suppositions are true, then there is no debt existing between them ; he who is called the debtor has only received that which belonged to him, of right ; and he who calls himself the creditor, has only

parted with that which he never had the right to possess or retain. Debts, therefore, and the same is also to be said of contracts, in the present order of society, are obligations having no moral force ; especially as between rich and poor ; and so long as it exists never can have any.

But, in confirmation of these positions, nothing would be easier, if it were necessary, than to show, even more plainly than it has yet been done, that there is, in the present order of things, no such thing as just debt or valid contract, or valid possession of any property whatever, which has been obtained of the poor by the rich ; and that simply on the principle of what lawyers call duress. And these do not fail to call it to their aid as often as they can. It means no less than this ; that no man is entitled to possess what he has obtained, or expects to obtain, where imprisonment, force or constraint of any description whatever, has been employed to acquire possession, or the promise of it. Thus, as between the rich and the poor, if the latter now owe, or owe payable at a future day, any thing to the former, such debt is null and void, if the debtor, by the organization of the social institution in which he lives, have been deprived of his equal share of the property of the State ; and along with it, of his equal education and instruction, in all that any of his fellow citizens enjoy, and which is so necessary to enable him to supply his future wants.

It is true, in the instance I take, that it may not be the fault of the supposed rich creditor himself, that his debtor, as he is termed, is under the *duress* in question ; but it is his fault, *if he take advantage of, or profit by it !* And this, it would seem, can scarcely be less than self-evident. For it is certainly not more just, and therefore, not more legal, that I, for example, should obtain possession, or the promise of it, of that which belongs to him, whom *another* has

placed under any species of constraint, than if I had done it myself. Nor can it alter the relations of equity and justice between the parties, that the government which presides over both, is the one who is guilty of placing the debtor in this duress, as well by withholding from him that which is truly his own, of right, as by any other species of constraint whatever.

Nor, in a case in which the government, by giving existence to the operation of wills, may have given to any one of its citizens, even more than belongs to him in equal right with his fellow citizens; and who, under the moral influence exerted upon his mind by a state of things which supplies him with unmeasured (as he deems it) and unmerited wealth, squanders it with a profusion, which, sooner or later, reduces him to poverty; I say, even in this case, the claim of this unfortunate being to an equal share with any and every citizen, in the proposed division of the property of the State, is not to be less respected than that of any other man. For although it be true, that in his time, he has received more, much more, than his equal share; yet he has received it under such moral circumstances, as not to have the power to *retain* even that which, in equal and exact justice, is truly his own. The very fact, of giving to such, or rather to almost any man, enormous possessions, is, *of itself*, of such a character, and accompanied with such a tendency, as, in most instances, to unfit him, by the moral action it exerts upon him, even to *retain* that which is justly his, and indispensable to the happiness of his existence.

Whenever therefore, it happens that wealth has descended hereditarily into any man's hand, and has subsequently departed, leaving the former possessor in poverty; such possessor is as effectually under the operation of *duress*, as if he had originally been, and continued to be, de-

prived of his equal share of property. No contract or debt, therefore, can justly be said to exist between him and a rich creditor, any more than between the same creditor and him who is, and always has been poor. And as between two rich men, or two men of unequal possessions, if any claim is found to rest *at all*, when there is no title for any thing; such claim is against the richer party in favor of that which has less.

Nor does it avail to say, that inasmuch as the people of all governments have ever *had* the power to have given to each individual member of it, his equal share of the property, and along with it equal maintenance and instruction during the years of minority; they have therefore, tacitly at least, consented to the unequal possession which prevails, and have no right to complain. This is not true; for if it be a fact, that they *have* tacitly consented; still the origin of this consent, *such as it is*, is founded in ignorance, in a want of knowledge of their rights. In political justice, as well as in the principles of law acknowledged by the prevailing jurisprudence, it is laid down, as it ought to be in every system where moral rectitude is pretended to govern, that no man is to be injured, by any concessions, express or implied, growing out of his ignorance, or want of a knowledge of his rights. So true is this, that it often happens in our courts of law, as now organized, that men, even men learned in the law, as the expression is, who have made concessions or stipulations incompatible with their just rights, from not rightly understanding them, have had them set aside, and rendered null and void, by the proper authority. On the ground, then, even of consent, since it could have arisen, or been obtained only, through ignorance, there is no reason to cease to consider almost all men as in a state of duress, (the rich for the time being only excepted,) and as a consequence that

there is no such thing as debt at all. With this conviction, the mind of the reader, I think, cannot fail to see the entire and perfect morality of the abolition and renunciation of all debts recommended in Article 1st, page 137 ; although, for obvious reasons, in some subsequent pages I have discussed the question of the existence of such morality, as though it were a matter of doubt. This doubt, I trust, is banished, and the judgment satisfied, that debt cannot now be justly considered as having any actual moral existence.

To entertain an opinion to the contrary of this, would be to sanction the idea, that nations may rob a portion of their citizens or subjects, of their rights of property ; and that such other of these same citizens or subjects, as shall receive the avails of this robbery, may nevertheless, of right, make valid contracts with the party robbed ! Thus, in the first settlement of this State, one man, of the name of Van Renssellaer, (see note at the bottom of page 339,) received an enormous grant of more than three hundred thousand acres of land, having a location second to none, except to this city and its vicinity, in advantages of every kind ; and yet any contract entered into, between this large possessor, and the thousands and tens of thousands who were denied *their* equal rights with him, is to be considered as moral and good !

Thus, too, in the year 1066, when William the Conqueror took possession of England, seven hundred barons only, were made owners by him, of the whole soil of the nation, with only a trifling exception ; while a million, perhaps, (for I know not the number,) of other human beings, having rights equal to and with these same barons and their sovereign, were denied possessions of any kind whatever !

If valid contract can exist between the dispossessed

and their dispossessors, in this instance; then must it be, because the barons and their Sovereign alone had rights; the residue of the nation having none! If this be not the cause, and still it be contended that valid contracts may be made between the parties, although one is an aggressor upon the other; then must it be because injury or aggression of any kind being made use of, to obtain a contract, does not vitiate such contract itself, but leaves it as good and as moral between the parties, as if they had stood, in the presence of each other, in the full possession of the rights that belong to each, and in the total absence of every thing like deprivation, constraint, or duress! With this doctrine before us, the mass of nations may indeed be first robbed of their rights, and then be bound by contract, so as to be compelled to surrender up to those who rob them, the full labor of their lives, with the exception only of so much as may barely keep them in existence, and all will be right! But without it, there can be no such thing as contract, or debt, *arising* from contract; or just possession of property, or labor, or the avails of labor, growing out of *payment* of any such supposed debt.

Let society, however, be so modified, as to give to each man his original right to property, at the proper season of his life, equal to that of any other man's, together with equal, early, and ample education; and then, debts will have a good moral foundation on which to rest. At present, debt is little more or less than extortion, practised upon the needy, who have not, and never have had, what is their own, by those who have not only their own, but also what belongs to those to whom they undertake to sell. It is like the thief, selling his stolen goods, to the true and original owner.*

* I have not thought proper, in this Work, to propose, that

Man, in his ignorance of the laws which govern the operations of nature, as well those that are near at hand, as those that are remote, and almost invisible, is a being of feebleness as it regards his power of supplying his own wants. Circumstances, in the early stage of his social existence, which none, at the time had the power to control, because they had not the power to foresee the future, enabled some men, as it were, to make prisoners of others, and compel *them* to supply wants, which they were not, of their own individual and equal resources, able to supply themselves. What is called wealth, therefore, is nothing less than the power to make prisoners of our fellow men; and to compel them to erect for its possessor, a palace of marble, for example, when of his own equal or equivalent industry, he could not erect it himself.

But it is time, that those who desire to be rich, should desire to be so, without enslaving their fellow men. And it is altogether easier to do so, without such a crying injustice, than it is with it. Every morning do I have on my table, what the mightiest of the Roman Emperors could not have had at all, in the best days of his power. And yet

in the new organization of society which it contains, no laws shall be passed for the collection of debts. I apprehend, however, whether such laws shall be passed or not, that the fact will be, that there will be little of debt in either case; inasmuch as all, with very few exceptions, indeed, will have the means of present payment; and credit, of course, will neither be given nor required; at least to any such amount as to deserve the name. Let us anticipate then, how happy it will be for our species, when the hosts of lawyers, judges, sheriffs, jailors, legislators, &c. &c. which now swarm around us, shall nearly all disappear, and instead of preying upon producers, shall become producers themselves.

I have no means to go forth, and arrest men, who are my equals; and make them contribute to the satisfaction of my wants. What, then, can this be? A newspaper. Yet this is the result of the extension of knowledge in the human mind. Society should be, and under proper circumstances would be, a garden, in which the tree of knowledge would flourish luxuriantly. It is, in discoveries, therefore, that all men should look for the source of their wealth. For, when, by reason of discoveries, men come, for example, to be able, each, to do as much as five thousand men could do, previous to such discovery; it is precisely the same thing as if each one of us could go forth, make prisoners of this number, and compel them, without cost to us, to contribute to our use the full quantum of all the labor they are able to perform.

To become sensible that such is the true source of all wealth that is honest or legitimate; and that it is the way to make the most of it, too, we need only recur to the power of producing wealth which the printing press affords. "In the year 1272, the wages of a laboring man were just three halfpence a day; and at the same period, the price of a Bible, fairly written out, was £30 sterling. Of course, a common laborer, *in those days*, could not have procured a copy of the Bible, with less than the entire earnings of *thirteen years*! Now, a beautiful printed copy of the same book can be purchased with the earnings of *one day*."

"Take another view of the subject. An ordinary clerk cannot make a fair *manuscript* copy of the Bible, in less than *three months*. With a *common* printing press, work equivalent to printing a copy of the whole Bible, can be done in *ten minutes*; and with a steam-press, of the most approved construction, the same work can be done in *three minutes*."

In the first view abovementioned, it appears, that with thirteen years of his labor, a laboring man can now purchase 4800 Bibles; whereas, before the invention of the printing press, with the same amount of labor, he could purchase only one; and that, of an inferior kind. Here is precisely the same quantum of wealth placed into the hands of this laboring man, as if, when manuscript, afforded the only means of furnishing copies of any work; he could have gone forth, and by conquest, force, stratagem, cunning, or fraud, made prisoners of 4800 men, and compelled them to work for him for nothing.

In the subsequent view, two considerations are blended. Thus, it is not a single person, that is capable of using the printing press; either of the common kind, or of that driven by steam; whereas the case supposed, allows us only one copier of manuscript. It has relation, therefore, *to time, to rapidity of execution*, rather than to comparative labor done. Thus, by *one* common printing press, copies are multiplied faster than could be, by a single copyist, in the proportion of 13,104 to one! And in the case of the steam press, as 43,680 to one!

Such, and similar, too, is the case with innumerable *other* inventions, which the benefactors of mankind have bestowed upon the human race. Nor, notwithstanding, so much have been done by those who have gone before us, is there yet little left for us to do. The discoveries, that yet remain to be made in every department of human knowledge, are inexhaustible, as will be the wealth which they will afford to the generations that shall make them, and to those that shall succeed them. But, in order that we may have a multitude, and the greatest multitude possible, of explorers of new truths; the *situation*, the *condition*, in one word, the *possessions* of all men, at their first mature entrance into life, together with their education, must be equal. Ar-

tificial and unequal wealth must not be, nor remain built up, by the suicidal consent of society, to place those who possess it, in situations of ease, such as they need not, desire, and will not care to contribute *their* quantum of knowledge and discovery, to the common fund; nor must others be depressed into the gulf of poverty, discouragement and degradation, by withholding from them that which is their own, in right of their being; and without which, *they also*, will add little to the stock of science, and be unable even to preserve that which is now in existence.

Under the present unequal distribution of property, where labor is the sole resource the poor have, by which to maintain their existence, degraded as it is, by the slavery in which they are plunged, it is not wonderful that they have been found to be opposed to the introduction of improvements. Fruitless and unavailing as such opposition is, it is yet less unreasonable than at first sight it may appear to be. It is true, that one consequence of such improvement, as we have already shown, is, that a poor man even, may obtain 4,800 times as much as he could obtain without it: yet, it may be asked, may he not be an ultimate loser? May not improvement extend to such a degree, that there will be no demand for his labor? Or if it does not reach this point, will it not approach so near it, as to make him an extreme sufferer? Let it not be forgotten, that while on the one hand, labor-saving machinery is advancing in its march to perfection, with rapid strides, and diminishing demand for labor; so on the other, are the numbers of the poor, among whom this demand is to be shared, augmenting in a fearful ratio. It will be said, perhaps, that by reducing price, the direct and certain consequence of improvements, (otherwise they do not deserve the name,) consumption is augmented; and, therefore, the demand is increased. This is true only in a limited de-

gree ; for, as these improvements supersede, sooner or later, in a great measure, all demand for the labor of the poor ; it dries up their resources faster than it multiplies them ; this, *in the end*, diminishes, rather than increases the demand ; and the consequence is, that as inventions, any more than revolutions, never go backwards, are never given up, when their benefits are once tasted ; that the whole laboring population must perish, as it were, in a sort of self-destruction, like useless beings on the earth, where, it would seem, they have no right to appear ; or that they must avert such a calamity, by the best means in their power.

That they cannot destroy the existence, and even increase of labor-saving machines and processes, is evident from this ; that every one of those whose feelings are enlisted against their inutility to them, on account of their destroying demand for their labor, whenever he has occasion, purchases, because they come cheaper, the very productions afforded by the agents which he so much deprecates. Of what use, then, is it, for a laboring man to cry out against improvements, when he goes and buys a coat, for example, or rather the materials of it, at a low price, which these very improvements have made ? It is *reward* that keeps these improvements in existence ; and it is not a volley of hard words and abuse that will do them any injury. If, then, the poor themselves contribute, and as they do, by an unavoidable necessity, to the support of that which threatens their own destruction, what hope have they to escape ? It is not the rich, certainly, that *will* ; *even if it were right that they should* ; and, we see the poor *cannot* forego the advantages, individually speaking, of these inventions ; how then, are they to avert so great a calamity ?

The Steam-Engine is not injurious to the poor, when

they can have the benefit of it ; and this, on supposition, being *always* the case, instead of being looked upon, as a curse, would be hailed as a blessing. If, then, it is seen that the Steam-Engine, for example, is likely to greatly impoverish, or destroy the poor, what *have* they to do, but **TO LAY HOLD OF IT, AND MAKE IT THEIR OWN ? LET THEM APPROPRIATE ALSO**, in the same way, **THE COTTON FACTORIES, THE WOOLEN FACTORIES, THE IRON FOUNDERIES, THE ROLLING MILLS, HOUSES, CHURCHES, SHIPS, GOODS, STEAM-BOATS, FIELDS OF AGRICULTURE, &c. &c. &c.** in mannner as proposed in this work, **AND AS IS THEIR RIGHT ;** and they will never have occcasion any more to consider that as an evil which never deserved that character ; which, on the contrary, is all that is good among men ; and of which, we cannot, under these new circumstances, have too much. It is an equal division of property that **MAKES ALL RIGHT**, and an equal transmission of it to posterity, **KEEPS IT SO.**

Amidst the multitude of efforts, which at different times, and in different countries, have been made to accomplish for the people what I have endeavored to accomplish for them in this work ; it may be expected that I should take some notice of the labors, in the cause of humanity, which, among others, have distinguished Mr. Robert Owen, of New Lanark, in Scotland. That his intentions have been those of the purest character, there can be no doubt. But of what use can a system of the kind be, when it is only to be established, not on the *rights* of those for whose benefit it is expressly intended, but on the *permission* of those to whom, according to his plans, it is necessary to apply, before any one of his communities can be allowed to have an existence ? Before any number of unfortunate

human beings, without property of any kind, or of any amount, can be allowed to have "a local habitation;" I might almost have added, "and a name," it is necessary for them to enter into a treaty with those who now possess the property of the world, for permission to enter into its possession; and as an inducement to the holder to give such permission, the future labor of the community is to be given up, precisely in manner as now happens throughout the world. Even Mr. Owen and his associates, from the labors of those whose welfare they consulted, drew an annual interest, on their capital, of twelve and a half per cent.* That those in their employ were evidently greatly improved in their moral, intellectual, and physical condition, is undoubtedly true. But what does this import? Does it mean, that because their condition is evidently greatly ameliorated, that, therefore, their rights are recognized to their fullest extent? If it does not, why then should not a better system be sought and this renounced? It has been the purpose of this Work to show, and I trust no one will read it without the conviction that I have shewn, that every thing paid to any one, in the shape of interest, rent, or profit, beyond payment for service rendered, is an invasion of the right of him who pays for the unjust benefit of him who receives it. If this be so, why should it be paid more to Mr. Owen than to another? He, certainly, I am persuaded, would be the last man to desire it, if he were convinced of its impropriety. How, then, when he has been searching into the causes of human misery; how has it happened that he has not found an abundant fountain of it in himself; in his own person? Take away from the possessors of the world their dividends, their rents, their profits; in one word, that which they receive for the *use* of it, and which

* Byllesby's Observations on the Sources and Effects of Unequal Wealth. p. 144.

belongs, freely belongs, to one as much as another ; and what would become of the present miserable condition of the human race ? It would be annihilated for ever. But these dividends, these rents, these profits, these prices paid for the *use* of the world, or of the world's materials, will never cease to be paid, till the *possession* of these materials is made equal, or substantially equal, among all men ; till there shall be no lenders, no borrowers ; no landlords, no tenants ; no masters, no journeymen ; no Wealth, no Want.

But, allowing Mr. Owen's system to be good ; where shall we find more men like Mr. Owen ? It is no new thing in the world that Kindness is a greater Despot than Cruelty. It is no wonder, then, that he and his associates, at the same time that they gave more happiness to those under their care, than they might have obtained elsewhere, drew also to themselves greater returns than others are in the habit of obtaining as their reward ; yet still the question recurs, where shall we find more Owens ? Until it shall be shown that they can be found, a system is of little use, which can only exist during the lifetime of a single man.

Besides, there is something uncongenial with the best feelings of the heart, (to say nothing of original right,) when it is compelled to contemplate the happiness it enjoys, be it little or much, as flowing from another ; even though it be from a benefactor. It subtracts half the value of such happiness, to feel that it is dependent on another for it, instead of having it indissolubly connected with us, as a part of our existence. Disguise it, as it may be, there seems something silently, but too audibly to tell us ; that though we may be happy, we owe it to a master. And yet who, better than the poet, has expressed it ?

“ Man *knows* no master, save creating Heaven,

“ Or those whom choice or common good ordain.—THOMPSON,

I approach, then, the close of this Work. I hasten to commit it to the hands, the heads and the hearts of those for whose benefit it is written. It is to them that I look, for the *power* necessary, to bring the system it recommends into existence. If they shall think I have so far understood myself, and the subject I have undertaken to discuss, as to have perceived, and marked out the path that leads them to the enjoyment of their rights, their interests and their happiness, **IT WILL BE FOR THOSE WHO ARE SUFFERING THE EVILS**, of which I have endeavored to point out the causes and the remedies, **TO LEAD THE WAY**. Those who are enjoying the sweets of the labor of others, will have no hearts to feel for the misery which the present system occasions. And the first throe of pain, which they *will* feel, will be that of *alarm*, that they are soon to be ordered to riot on the toils of others no more for ever ! But those who *suffer*, will feel no cause of alarm. The very intensity of their sufferings, since now they understand their origin and cure, will add double vigor to their exertions to recover their rights. But let them understand, that much is to be done, to accomplish this recovery. **IT IS TO BE THE RESULT OF THE COMBINED EXERTIONS, OF GREAT NUMBERS OF MEN**. These, by no means, *now* understand their true situation ; but when they do, they will be ready and willing to do what belongs to their happiness. If, then, there be truth ; if there be reason ; if there be force of argument, in the work which I thus commit to the hands of those for whose benefit it is written ; let them read ; let it be read ; let it be conversed about, in the hearing of those whose *interest* it is, to hear whatever of truth, of reason, and argument it may contain ; and *as often*, too, as there may be opportunity. Let them awake to a *knowledge* of their rights,

and how they may be obtained, and they will not be slow (since it will *then* be so easy) to reclaim them.

Let the poor and middling classes understand that their oppressions come from the overgrown wealth that exists among them, on the one hand, and from entire destitution on the other ; and that as this overgrown wealth is continually augmenting its possessions, in a rapid ratio, the public sufferings are continually augmenting also ; and must continue to augment, until the equal and unalienable rights of the people shall order otherwise. Let the parent reflect, if he be now a man of toil, that his children must be, ninety-nine cases in a hundred, slaves, *and worse*, to some rich proprietor ; and that there is no alternative, but the change proposed. Let him not cheat himself with empty pretensions ; for, *he who commands the property of a State, or even an inordinate portion of it, HAS THE LIBERTY AND THE HAPPINESS OF ITS CITIZENS IN HIS OWN KEEPING.* And if there be some dozen, or fifty, or five hundred of these large proprietors, they are neither more nor less than so many additional keepers. He who can feed me, or starve me ; give me employment, or bid me wander about in idleness ; is my master ; and it is the utmost folly for me to boast of being any thing but a slave.

In fine, let the people awake to their rights ; let them understand in what they consist ; let them see the course they must pursue to obtain them ; let them follow up that course, by informing each as many as he can, his fellow citizens, of the truth which this Work contains ; let all co-operate, in the early and effectual accomplishment of the objects it recommends, and these objects will easily and speedily be achieved, and none will have labored in vain.

At the moment of taking leave of the reader, it occurs

to me, that it would be well to add a single remark. If ever the principles of this Work are to prevail; if ever they are to find their way among men, and to restore to them their rights, it is only to be done, by each doing all he can, single and separately, to open the eyes of his fellows, to the perception of the evil that oppresses him, its origin and cure. While this is doing, and doing too in many parts of the State, of the Union, and the World, at one and the same time; for such is the co-extensive and cotemporary energy, with which the productions of the press operate; the rich, now and then, will cast their eyes on this Work; and they, too, will see that the system which it proposes, must, sooner or later, take place. Ultimately, the whole of them will come to the same conclusion. So many of them as shall dread its approach, and shall not have the moral honesty to surrender up to the disposition of their fellow citizens, all that they have, will, of course, conceal as much as they can. And that which is the most desirable to conceal, and the easiest concealed, is money. Now, whenever it shall appear, correctly or otherwise, it is no matter, to the rich generally, that the great mass of the people have very nearly awakened to the determination to resume their rights, and pursuant thereto, to order a General Division of property; these concealments will take place very suddenly; and, perhaps, to such an extent as to withdraw the precious metals entirely from circulation, out of the banks, as well as elsewhere. In such an event, the banks would be broken; and as there would be no circulating medium, all business would be instantly suspended. Those who now carry on extensive business, would have nothing with which to pay off their hands; and if they had, *they* might be as willing as others, to bury it in the earth, for the purpose of defrauding the community out of it.

In such an event, which is far from being impossible, the wished for change would arrive earlier, than is already anticipated in this work; and in manner somewhat different. For the reader understands, that I have intended, that a State Convention, to be chosen by the people, for the purpose, shall order the suspension of all business, which, by this operation of withdrawing all the gold and silver from circulation, and burying it in the earth by the rich, would be anticipated. If it should so happen, it will not be the fault of this Work, or of the great mass of the people, and may not be that even, of the majority of the rich; for even a very few of them, would be able to put away all the precious metals, that are to be found in the State; and as to other States, they could no more spare *their* precious metals than ourselves, without coming in contact with a similar catastrophe; and of which, they too, will be in similar danger. Besides, as to personal property in the city of New-York, alone, there is probably more in value than all the specie money in the United States, twice, or even thrice told. So that it will be no difficult thing, if dishonesty prevail, even to a small extent among the rich, to bring about the withdrawal of which I am speaking.

Under such circumstances, it may be said, that the government has suddenly ceased to exist; that it has expired, as it were, in a fit of apoplexy; and it will then be incumbent on the people to organize a temporary committee of safety; and take care, immediately, that no property leaves the State, or is wasted, or destroyed, further than is necessary for subsistence; until a State Convention can be assembled, to form a new government, on principles corresponding with *all* the rights of man; and which, as it ensures his happiness, by preserving his equality, and that of all succeeding generations, we may confidently hope will be eternal.

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* Since this work went to press, statements have been given to the public, showing the duties on Salt made in this State, the past year, to amount to about 150,000 dollars. In page 148, where the average duties for 12 years are put down at 75,000 dollars per annum, the value of these Springs is estimated at one million and a half of dollars. By the same rule of estimation, their value should now be considered at not less than three millions.

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TO THE READER.

The indisposition of the Author, during a portion of the time this Work was in Press, through the use, by mistake, during that period, of the original Manuscript, instead of a corrected transcript, has led to a few errors in print; of small importance, it is true; but still something more than it would be strictly proper to term typographical. The following errata, however, will correct them, as it will also those of a typographical kind; and the cause that has rendered it necessary, it be hoped, will be considered a sufficient apology.

ERRATA.

Page 9, 11th line from bottom, after the word "out," insert the word "of," so as to read, 'seventeen millions out of thirty,' &c.

Page 21, 2d line from bottom, the word 'now,' after the word 'is,' is omitted. It should read, 'such power is *now* ordinarily understood,' &c.

Page 29, 10th line from top, after the word 'remedy,' insert the word 'has,' so as to read, 'the remedy *has* had, &c.'

Same page, 8th line from bottom, after the word 'except,' insert the word 'in,' so as to read, 'except *in* so far,' &c.

Page 36, line 2d from bottom, strike out the word 'possession,' and insert the words 'the title of the possessor,' so as to read 'the title of the possessor, if it be just,' &c.

Page 37, line 4th from bottom, for 'anysimilar,' read 'any similar,' &c.

Page 51, 3d line, from top, after the word 'however,' insert the words 'so far as prohibition is concerned,' making it read thus—'This right, however, *so far as prohibition is concerned*, is very rarely exercised,' &c.

Page 54, line 2d, from top, for 'affords,' read 'afforded,' &c.

Page 55, line 14th, from bottom, strike out the word 'any,' immediately before the word 'quality,' and insert the word, 'one,' so as to read, any *one* quality,' &c.

Page 56, line 14th, from bottom, strike out the word 'is,' &c.

Page 67, line 6th, from top, strike out the words 'the rightful owners,' and insert the words 'any people,' so as to read, 'enjoyed by *any people*, when,' &c.

Page 67, 2d line from bottom, strike out the word 'he,' and insert the words 'in him,' so as to read, 'as *in him* who proposes,' &c.

Page 75, line 14th, from top, insert the words 'they and,' so as to come in before the word 'moveable,' &c. It will then read, 'in the same way that *they* and moveable things are now,' &c.

Page 77, in the heading to the Chapter, for 'On the duration,' &c. read 'Of the duration,' &c.

Page 78, 8th and 9th lines from bottom, alter the words 'because possession has no right,' so as to make it read, 'because *those in possession have* no right, &c.

Page 81, line 11th, from bottom, strike out *one* of the words 'the,' inasmuch as it is a duplicate.

Page 83, line 2d, from top, strike out the words 'much so,' inasmuch as they are duplicates.

Page 85, 7th line from top, for the word 'would,' at the margin on the left of the page, 'read 'could.' &c.

Page 86, top line, for the word 'possor,' read 'possessor,' &c.

Page 95, 1st and 2d line at bottom, instead of 'he is a greater owner, inasmuch as he *has* contributed *more*,' &c., read thus—'he *may be* a greater owner, inasmuch as he *may have* contributed more,' &c.

Page 100, 11th line from top, for 'pretensions,' read 'pretension,' &c.

Page 101, 10th line from bottom, place a semicolon (;) after the word 'man.'

Page 107, 14th line from top, for 'soon,' read 'so on,' &c.

Same page, 15th line from top, for 'withany,' read 'with any,' &c.

Page 121, 7th line from bottom, for 'It is by the aid of money,' &c. read, 'It is *chiefly* by the aid of money,' &c.

Page 122, 7th line from bottom, instead of the words 'I am *now* considering,' &c. read, 'I am *next to consider*,' &c.

Page 126, 6th line from top, for 'afflicting,' read 'afflicting, &c.

Page 128, 9th line from top, for 'substanly,' read 'substantially,' &c.

Page 140, 5th line from bottom, after the word 'same,' insert the word 'from.'

Page 144, 7th line from top, for 'partimony,' read 'patrimony,' &c.

Page 151, 5th line from bottom of the note, strike out the words 'not only.'

Page 153, 15th line from bottom, alter the words 'as it is afforded,' &c. so as to read thus—'as it is *to be* affo ded,' &c.

Page 168, 7th line from bottom, the line now reads, 'and come and labor *either* on those public works,' it should read thus—'and come and labor on these public works.'

Page 177, 11th line from bottom, for 'produced,' read produce.'

Page 196, 12th line from top, for 'individuuals,' read 'individuals.'

Page 198, 10th line from bottom, for 'notning,' read 'nothing.'

Page 222, 17th line from top, for the word 'in,' at the entire left of the line, read 'it.'

Page 224, 18th line from top, for 'robbbers,' read 'robbers.'

Page 232, 11th line from bottom, for 'egal,' read 'legal.'

Page 237, 11th line from top, for the words 'employed its construction,' read 'employed in its construction'

Page 241, 12th line from bottom, punctuate the words 'may well be asked, if it is intended,' &c. so as to read thus—'may well be asked. If it is intended,' &c.

Page 283, 15th line from top, for 'conuntry,' read 'country.'

Page 284, line 11th from top, for 'atall,' read 'at all.'

Page 292, 19th line from top, for 'proprety,' read 'property.'

Page 293, 6th line from top, for 'dene,' read 'done.'

Same page, 7th line from top, for 'givs in the ames,' read 'give in their names.'

Page 294, 13th line from bottom, for 'commision,' read 'commission.'

Page 295, 4th line from top, for 'iurventory,' read 'inventory.'

Page 297, 17th line from bottom, for 'the names,' read 'their names.'

Page 308, 13th line from top, for 'snd,' read 'and.'

Page 342, 3d line from bottom, for 'tloerated,' read 'tolerated.'

Page 343, 5th line from top, strike out the word 'and.'

Page 345, 14th line from top, after the word 'poor,' insert the word 'man.'

Same page, 19th line from the top, strike out, 'the,' and insert 'a.'

Page 347, 3d line from bottom, for 'comitted,' read 'committed.'

Page 355, line 11th from bottom, for 'thatit,' read 'that it.'

Page 366, line 5th and 6th from bottom, for '*he consents,*' read *they consent.*

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TO SUBSCRIBERS.

For reasons that will not fail to suggest themselves, the author has concluded to bind the present volume, in a plainer manner, as it regards the gilding, than the prospectus of his work stipulates ; and to substitute, instead thereof, the novel, and as he trusts, in this instance, the useful innovation upon book-binding, of stamping on the two covers, **IN LETTERS OF GOLD**, the title of the work. He hopes it will be satisfactory to all ; but if it is not, those who are dissatisfied, are informed, that it rests with their pleasure to accept, or to have their copies gilt, (however ill it may be afforded,) as the proposals specify, by signifying such wish to those who shall deliver them.









RIGHTS OF MAN
TO PROPERTY!